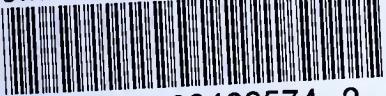


STATE LIBRARY OF PENNSYLVANIA



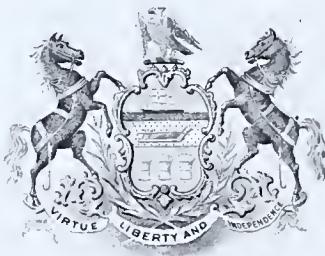
3 0144 00408574 2

P4 E 38.1

V 2  
C. 2 CLASS ~~324.748~~ Book P 381

VOLUME

4413



PENNSYLVANIA  
STATE LIBRARY

P38.30  
1.15d  
1913



Digitized by the Internet Archive  
in 2016 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries



# THIRD AND FINAL REPORT

OF THE

## COMMISSION TO REVISE AND CODIFY

THE

## ELECTION LAWS OF PENNSYLVANIA

APPOINTED UNDER JOINT RESOLUTION OF MAY  
13, 1909, AND CONTINUED UNDER JOINT  
RESOLUTION OF MARCH 22, 1911.

MADE TO

THE SENATE AND HOUSE OF REPRESENTATIVES  
OF THE COMMONWEALTH OF PENNSYLVANIA  
IN GENERAL ASSEMBLY AT THE SESSION OF  
1913.



To the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly:

The Commission to Codify and Revise the Election Laws of Pennsylvania appointed by the Governor of the Commonwealth in pursuance of a joint resolution approved the thirteenth day of May, A. D. 1909, and continued by joint resolution approved the twenty-second day of March, 1911, herewith presents its third and final report:

The Commission began its work about January 1, 1910, almost immediately after its appointment. It was composed of two members of the Senate, two of the House of Representatives and three citizens who held no official position. It was non-partisan. Its members came from various parts of the Commonwealth and they served without compensation.

In pursuance of the power given to it by the General Assembly it appointed an attorney, Ralph B. Evans, Esq., of Philadelphia, and a Secretary, William H. Hay, Esq., of Philadelphia. It has maintained an office in the City of Philadelphia, has held public meetings, has invited and received suggestions from all classes of citizens and has collected and studied the election laws, not only of Pennsylvania but of other States and countries.

By the terms of the resolution creating it, the Commission was directed:

*First.*—To report a codification of the existing election laws.

*Second.*—To report separately any changes recommended.

# ANNUAL REPORT

## YEAR ENDING

### CODIFICATION OF EXISTING LAWS

The work of codification was one of no small difficulty. The existing election law was embodied in a very large number of statutes, many of them amendments of portions of prior laws. To have written an entirely new code would have been to invite much future uncertainty and litigation over the meaning of new words and phrases. On the other hand, to preserve the language of the existing statutes, with which the election officers were familiar, and yet to weave those statutes into one complete code convenient for reference, required much labor. For reasons stated in the first report of the Commission, the latter method was adopted, and a complete code divided into sections, and very thoroughly indexed, was prepared by the Commission's counsel under the supervision of the Commission, and was presented to the General Assembly at its last session. In it the language of the existing statutes was preserved, except in those cases where slight changes were necessary to harmonize different provisions. It was arranged in numbered sections, with a reference under each section to the statute from which it was taken, and with an index and cross references so arranged that any provision of the law could be readily located and examined. One thousand copies of this codification were printed and furnished to the State. There has been a constantly increasing demand for copies, so that the supply is nearly exhausted. It is a convenient reference manual, not only for election officers, but for members of the General Assembly and others, in considering suggestions for changes in the law. After it had been presented, the General Assembly made a few changes in the Statute Law relat-

ing to elections, some of them embodying recommendations made by the Commission in its reports. These have been interleaved in the printed copies of the Commission's Codification and there have been added certain provisions of the law relating especially to elections in proceedings for the increase of municipal indebtedness which were not included in the codification as originally presented. The Commission in again presenting the Codification recommends that it be reprinted by the State for the use of the members of the General Assembly and other State officials, and that in such reprinting there should be printed under each heading in advance of the statutory law, and provisions of the Constitution of Pennsylvania relating to the subject matter.

#### SUGGESTED AMENDMENTS

In addition to the codification of the existing laws, the Commission had been directed to report any changes in those laws which it thought should be made, and in obedience to this direction it has pursued a thorough and systematic investigation.

For convenience it divided the subject into five divisions, viz.:

- Registration of Voters,
- Methods of Nomination,
- Form of Ballot,
- Conduct of Elections,
- Election Contests.

Through its Secretary and Counsel it obtained and arranged for convenient reference the election laws of other States and countries and compared

their provisions. By public hearings and all other available sources it sought and obtained information as to practical operation of the existing laws and as to the desirability of changes therein. As a result of its work it presented to the General Assembly at its last session two successive reports covering every detail of the subject and it embodied its suggestions in sixteen carefully drafted statutes. Two of these statutes, however, were alternative statutes. The reason for separating the amendments into separate statutes, as stated in the reports of the Commission, was that the various amendments had no necessary relation to each other, and by embodying them in separate statutes they could be separately considered and adopted, rejected or amended by the General Assembly without interfering with the other statutory amendments and without that danger of complication and error which might arise from the attempt to enact one large omnibus statute.

The reports thus presented were the result of a consideration by the Commission of the entire subject submitted to it. The members of the Commission never divided on party lines and they endeavored by thorough discussion among themselves to reconcile or eliminate all differences or shades of opinion on the various subjects discussed, and where there was any substantial difference of opinion among the members, alternative acts were presented for the consideration of the General Assembly, the result being that the reports presented were unanimous and signed by all the members and fairly represented the consensus of opinion of the

entire Commission. These prior reports the Commission desires shall be considered as preliminary to and part of its present and final report, and for a full understanding of the views of the Commission they should be read in connection therewith.

Before the second report was presented, but after it had been put into type, the General Assembly by joint resolution extended the term of the Commission to the next session, so as to allow opportunity for further study and discussion. Other important measures occupied the attention of the General Assembly and of the public, and the reports of the Commission did not receive any general discussion or criticism either in the General Assembly or in the public press.

#### RESUME OF PRECEDING REPORTS

In view of that fact a brief resume of what is contained in the reports of the Commission presented at the last session of the General Assembly will be useful.

#### **As to Registration**

The Commission reported that there was practical unanimity of opinion among citizens that the Registration System in the cities of the first and second class had proved efficient, although it needed amendment in certain details. With regard to cities of the third class, the Commission found there was complaint from the smaller cities that it was an unnecessary and expensive burden. The Commission recommended the following changes in the existing law and annexed to its report carefully drafted statutes to accomplish these changes:

- a. To give to cities of the third class a less onerous system of registration.
- b. To abolish all assessments, registry returns, etc., which were made necessary only by the February election.
- c. To establish uniform terms for registry assessors and provide a uniform method of filling vacancies.
- d. To make a uniform system of returns by tax collectors in townships, boroughs and cities of the third class.
- e. To change the dates of registration in cities of the first and second class to conform to the Constitutional Amendment, abolishing the February election.
- f. To add to the register in cities of the first and second class a column for noting the date of payment of tax, and to number the lines of each page for convenience of reference.
- g. To define the method of proving payment of tax in cities of the first and second class.
- h. To require all petitions in cities of the first and second class to be under oath, and to empower the chief clerk of the Board of Registration Commissioners to administer such oath.

These statutes, with the omission of such of the provisions as have since been adopted or substantially adopted by the legislature, are reprinted in Exhibits A, B, C, D, E, F and G, appended to this report.

### **As to Method of Nomination**

The Commission, after briefly reviewing the history of party nominations, the evils which, owing to various causes, had developed, and the efforts adopted to remedy these evils, discussed the system of Uniform Primaries and direct nominations which under various forms had been adopted in many of the States, including Pennsylvania.

It pointed out that the system had not to any very great extent remedied the evils it was designed to remedy, and had developed some serious evils of its own, and that there was great diversity of opinion among the citizens of the Commonwealth, irrespective of party lines or partisan feeling, as to whether it should be retained. The Commission reviewed the arguments for and against the system, and reported that in its opinion the system itself was founded on a wrong theory; that the most salutary political condition of the community was not to have many parties nominating candidates at the expense of the State, but to have few well-organized parties which nominated under their own rules and competed with each other, and that the uniform primary with direct nominations tended "to weaken party organization and lessen party responsibility, to make the formation of new parties easy and to make candidates not so much the deliberate choice of well-organized party groups as the representatives of shifting groups of citizens acting together because of some sudden wave of popular impulse, or the clever manipulation of some candidate."

In view, however, of the wide diversity of opinion on this subject and the unanimity of opinion that if the uniform primary system was retained it should be amended so as to obviate, if possible, the most serious of its evils, the Commission reported two alternative bills, one of which amended the system in the following particulars:

1. By providing for one primary each year instead of two.
2. By providing that the written acceptance of the candidate shall accompany every petition to place his name upon the primary ballot.
3. By providing that no name shall be placed upon the ballot of more than one party without the consent of the party committees.
4. By providing for the withdrawal of candidates.
5. By changing the provisions of the present law regarding the opening of the ballot box and recounting the vote.

The first and fifth of these recommendations have since been incorporated into the law. With the omission of these provisions this statute is reprinted in Exhibit K, appended to this report.

The other alternative bill amended the existing law as follows:

1. By permitting the parties to hold their primaries on different dates.
2. By leaving to each party to determine whether it shall adopt the direct or indirect method of nomination or a combination of both.

3. By providing for the holding of the primaries by officers chosen by the parties, but under the same duties and penalties as election officers under the present law.

4. By providing that the qualifications of voters at the primary shall be determined by the rules of the party holding it.

5. By providing for the payment by the party holding the primary of the cost of holding it.

This bill is reprinted in Exhibit L, appended to this report.

### **Form of Ballot and Conduct of Elections**

The Commission in its report reviewed the history of the movement for the adoption in various states of the so-called Australian Ballot and showed the various forms of this ballot in use in the different states and pointed out that the legislation of the various states on the subject had been largely experimental, and vacillating, no one form apparently having been found satisfactory. The Commission then pointed out that there seemed to be no unanimity of opinion among any of the members of any party or group of citizens as to the desirable changes, but that the suggestions which seemed to deserve most serious consideration were:

1. To abolish the party square and thus change the ballot to the original Australian Ballot.

2. To retain the party square, but in some way to simplify or shorten the ballot.

3. To make the assistance clause in the election law conform to the assistance clause in The Uniform Primary Law.

4. To return to what was popularly known as the Vest Pocket System, by which the voter could mark his ballot at home and bring it to the polls.

The Commission after reviewing the various arguments for and against these various suggestions made the following recommendations, which it embodied in three carefully drafted bills annexed to its report:

1. The simplification of the present ballot by providing that only one square should be placed opposite the name of each candidate.

2. A change in the method of determining the standing of a party, this change being necessary by reason of the above simplification of the ballot.

3. A change in the assistance law so as only to allow assistance to the voter at elections under the same safeguards and conditions as are provided in the Uniform Primary Act.

These bills, with certain additional changes hereafter referred to, are reprinted in Exhibits O and P, appended to this report.

With regard to the return to the system of allowing ballots to be marked at home, the Commission recognizing the fact that this was urged by a very large number of voters without regard to party, and in view also that it was favored by a number of the members of the Commission reported an alternative act which provides for a system by which the single official bal-

lot is retained with safeguards against the fraudulent use of surplus ballots while allowing the ballot to be marked by the citizen at his home and taken with him to the booth.

This bill is reprinted in Exhibit Q, appended to this report.

The Commission further drafted and reported with its favorable recommendation, acts which accomplished the following reforms:

1. The simplification of the system of counting the ballots so that the legal system might conform to the system actually used in practice and which had been found sufficient.

2. Allowing a ballot to stand so far as possible for that portion that was properly marked, even though mistakes had been made in other portions.

3. Defining the rights of citizens as to opening of ballot boxes in case of alleged fraud, and providing the method of obtaining such opening.

These recommendations are included in Exhibits O and R, appended to this report.

The commission also drafted and reported with its favorable recommendation acts on the following subjects:

1. Making it obligatory on the County Commissioners to apply to the Court to change boundaries of election districts where the number of voters exceeds the constitutional limits.

2. Providing a more efficient system of changing the location of polling places and making more

efficient regulations as to the physical construction of the polling room.

These acts are reprinted in Exhibits S, T and U, appended to this report.

As has already been said, the General Assembly continued the Commission before its second report was actually presented, and the Commission has therefore continued its study and investigation of the subject. A large amount of experimental legislation on the subject of election machinery has been actually passed or is under consideration in the various states, but the frequency with which this legislation has been amended and the variety which exists in the details of the schemes adopted illustrate some of the dangers of such legislation. For the reasons pointed out by the Commission in its first report there is a widespread desire to remedy certain existing evils incident to social and political conditions. The tendency at present is to ascribe those evils to systems or forms, rather than to the long indifference of citizens to their political rights in times of prosperity and to their neglect of their political duties. Hence, a tendency to experiment with new systems. These experiments, even when failures, have not been wholly without benefit to the community, since they indicate a revival of interest by the average citizen in political institutions and many citizens who had become indifferent or discouraged under the old system became active and enthusiastic under experimental systems. There is, however, a danger in experimental legislation. Every new system has evils and disadvantages of its own. Mere change of election machinery may in the end defeat the very result it was intended to secure, since the expert political

worker who makes politics his business can usually operate new machinery, especially if it be complicated, with more skill and with much greater effect than disinterested citizens or groups of citizens. In a State like Pennsylvania with its great cities and its diversified conditions no change should be adopted merely as an experiment and because it is new.

#### ADDITIONAL RECOMMENDATIONS

The recommendations of the Commission in its first two reports were mainly in the line of simplifying the existing system and removing as far as possible opportunities for complication or fraud. After two years' further investigation the Commission sees no reason to change its opinion as expressed in those reports. It therefore renews the recommendations then made, but with certain additional recommendations hereinafter set forth.

#### **Party Enrollment**

The Uniform Primary Act has for its main object the holding of party primaries by the State. It was never intended to allow members of one party to vote in the primaries of the other. In practice, however, it has been found difficult to prevent the capture of a minority party by the members of another. To remedy this various schemes of party enrollment, none of them entirely satisfactory, have been adopted in other States, and since the filing of the first two reports of the Commission there has been a growing and insistent demand in this State for some efficient method of such enrollment. This has not come from any party or

from extreme partisans. On the contrary, it seems to be most insistent on the part of the intelligent independent citizens. It has its foundation in a real evil, and the Commission has given the subject most careful consideration. As a result it has drafted and recommends a statute which is annexed to this report, marked Exhibit J. Briefly stated, it provides that every voter wishing to vote at a primary shall be enrolled as a member of some party and shall be entitled to receive at the primary only the ballot of the party under which he is enrolled. In cities where personal registration is in operation this enrollment shall be made by the registrars in connection with the personal registration, and in other districts by the registry assessors. Provision is made for the change of enrollment at any time up to ten days before the primary, and penalties are prescribed for a voter voting or attempting to vote the ticket of any party other than the party under which the voter is enrolled, and for an election officer wilfully accepting such a vote.

### **Payment of Taxes at Registration**

Another subject which merits consideration has been brought to the attention of the Commission. Payment of some tax is a necessary prerequisite to registration. The voter who is not a property owner pays a tax designated in some localities as a poll tax and in others as an occupation tax. It would be a great convenience to the average voter, and encourage registration, if the tax could be paid at the time and place of registration. A difficulty in providing for this arose from the fact that

most schemes to accomplish the result required a change in the tax laws of the Commonwealth which the Commission did not think was within the scope of its appointment. It has, however, drafted a statute which is annexed hereto, marked Exhibit I, which directs the Receiver of Taxes to have a deputy at the place of registration and authorizes him to appoint one of the registrars as such deputy. The Commission believes this will to a large extent remedy the inconvenience complained of.

### **Preemption of Party Names**

Since the preparation of the first two reports the holding of an election for presidential electors has developed a defect of the existing law which should be remedied. It is possible for a few citizens to preempt a party name and for parties to be multiplied to an extent which complicates the ballot and embarrasses the voter. To remedy this the Commission has drafted and recommends the passage of a statute (Exhibit N) which it appends to this report. Briefly stated, this statute provides that any body of citizens desiring to preempt a new party name must present a petition, signed by voters to the number of not less than two per cent. of the vote cast in the political division for which it is desired to preempt such name, to the Court of Common Pleas of Dauphin County, upon which there shall be a public hearing after such notice as the Court may direct.

### **Separate Ballots**

The printing of the names of candidates for presidential electors upon the same ballot with the

names of candidates for all other offices not only adds considerably to the size of the ballot, but also complicates the process of voting in that it presents upon the same ballot two different methods of marking a straight vote. The printing of constitutional amendments and other questions submitted to vote at the foot of the ballot also adds to its size, and may account in part for the light vote usually polled upon such questions. The present form of blanket ballot also has a tendency to confuse national, state and local issues. The Commission believes that the process of voting would be simplified and a more representative vote obtained if the ballot were divided and separate ballots provided for presidential electors, State and Congressional offices, municipal and local offices and constitutional amendments or other questions submitted to the voters. This would never require more than three ballots at any election, and, except when a question was to be voted upon, not more than two ballots would ever be required. The Commission has drafted and recommends the passage of a statute amending the statute printed in Appendix A of the Second Report, embodying in that statute the changes above suggested and also an additional change in the form of the ballot confining to established parties the right to the use of a party square. This statute is appended to this report (Exhibit O). This amendment also provides that defectively marked ballots shall be enclosed in a separate envelope, with the number marked on the outside, and sent with the returns to the Prothonotary. The Commission believes that this will facilitate the computation of the returns and aid in the detection of fraud.

## **Nomination of Supreme and Superior Court Judges**

The attention of the Commission has been called to the fact that under the Uniform Primary Act no method is provided for the nomination of candidates for Judge of the Supreme and Superior Courts when such Judges are to be elected at a municipal election. Under the Constitution, such Judges may be elected either at a general or municipal election. The Uniform Primary Act provides that candidates for all offices to be filled at the municipal election shall be nominated at the fall primary, but it also provides that candidates for offices to be voted for by the electors of the State at large, which, of course, includes Judges of the Supreme and Superior Courts, shall be nominated by State conventions. There is, therefore, an irreconcilable contradiction as to the method of nominating candidates for these offices when voted for at municipal elections. To remedy this condition the Commission has drafted and recommends the passage of a statute (Exhibit M) appended to this report, providing for the election at the fall primary of delegates to a State convention to be held for the purpose of nominating candidates for Judge of the Supreme and Superior Courts when such office is to be filled at a municipal election.

## **Hours of Registration**

It has been suggested to the Commission that the hours of registration in cities of the first and second class should be lengthened. The Commission approves of the suggestion and has accordingly drafted and recommends the passage of an

amendment of the Personal Registration Act making the hours for registration from seven a. m. to eleven a. m. and from two p. m. to nine p. m. This statute is printed in Exhibit H, appended to this report.

### **Allowance of Mileage for Returning Ballot Box**

The present law allows no mileage to the inspector for returning the ballot box after the election. In country districts, where the distance is sometimes considerable, this is a hardship. It seems to the Commission only fair that the inspector should receive the same mileage for this service as is allowed the judges of election for delivering their returns. The Commission has accordingly drafted and submits herewith (Exhibit V) an amendment to the existing law designed to accomplish this purpose.

### **Initiative, Referendum, Recall, Commission Form of Government and Woman Suffrage**

The foregoing report covers the changes or amendments to the election law recommended by the Commission. It has been suggested, however, that the Commission consider and report upon certain other matters now the subject of public discussion. These are popularly known as the Initiative, the Referendum, the Recall, Woman Suffrage and the Commission Form of Government. A majority of the Commission are of opinion that all of these are entirely beyond the scope of the reference to the Commission. All of them except the Commission Form of Government involve not merely

amendments to the existing election laws, but fundamental changes in the organic law of the Commonwealth, and there is nothing in the resolution appointing the Commission which, in the opinion of a majority of the Commission, would justify it in considering or reporting upon them. With regard to the Commission Form of Government, while it might be accomplished by statute without change in the organic law of the Commonwealth, it has, in the opinion of a majority of the Commission, no necessary relation to the election laws. With a change in municipal government it might ultimately be possible, with the aid of constitutional amendments, to adopt in municipalities a short ballot which could be made simple. As was pointed out by the Commission in its second report, the adoption of what is known as a short ballot in municipalities might render possible the abolition of the party square on the ballot, but a short ballot in municipalities is not possible even with a commission form of government, without amendments of the Constitution reducing the number of elective officers. While, therefore, it is true that the adoption of a commission form of government might make desirable certain changes in the election machinery, the question is nevertheless primarily one of municipal government and not one of election law, and in the opinion of a majority of the Commission the relation between the two did not justify the Commission in extending its recommendations beyond the scope of the matters referred to it.

At the close of the last session of the General Assembly, the Committee on Judiciary General of the

Senate referred to this Commission for its consideration two bills which had been introduced relating to proposed amendments to the Constitution of Pennsylvania so as to allow women to vote at elections, and the Commission gave a public hearing, at which three societies, one advocating unrestricted woman suffrage, one advocating a limited suffrage for both men and women and one opposing woman suffrage, appeared and with force and ability advocated their respective views. A majority of the Commission are of opinion that this subject does not fall within the scope of their appointment, and that this scope cannot be enlarged by a committee of either house without a joint resolution of the General Assembly. As a matter of courtesy, however, both to the Senate Committee and to the women who most ably presented their views at the hearing, the Commission deems it proper to say that as the result of a careful consideration of the arguments a majority of the Commission are of opinion that irrespective of the question of jurisdiction, no recommendation of woman suffrage should be made by the Commission.

The question is not one to be decided merely upon the basis of woman's mental or physical equality with man or upon the injustice of refusing her a vote to protect her property rights. The real question is the benefit or disadvantage to the Commonwealth by making such a serious change in its organic law. It is apparent that if the effect of amending the Constitution so as to give votes to women would be to add to the electorate a large mass of indifferent citizens who did not desire the franchise and were unwilling to assume the responsibility of exercising it, the result

would be a detriment to the State, even though a few active intelligent women would avail themselves of the privilege. The indifferent citizen who is careless of his political privileges is almost as much of a menace to the State as the corrupt one. The Commission does not think that sufficient evidence has been produced to show that a majority, or even a very large minority, of the women of the State care anything about the matter or desire to receive and assume the responsibility of the franchise. There are active and intelligent groups of women on both sides of the question—it may even be said on three sides of the question, since one group strongly opposes unlimited suffrage for women, and advocates a limited suffrage which shall include both men and women, but the Commission has seen no evidence of that unanimity and strength of desire for the suffrage on the part of the women of the Commonwealth which alone would make them desirable voters.

The Commission therefore makes no recommendation on the subject of woman suffrage.

*First.*—Because it believes that the subject is outside the purposes of its appointment.

*Second.*—Because it believes that until a very large proportion of the women of the Commonwealth desire it, the only effect of it would be to add to the already large mass of indifferent voters, and this would be a detriment to the Commonwealth.

The Commission gratefully acknowledges the numerous suggestions which it has received from citizens of the Commonwealth, from voluntary associations of such citizens, such for example as the Commit-

tee of Seventy in Philadelphia and from the Board of Registration Commissioners. As was said in its earlier reports many suggestions came from citizens who had considered the subject from the standpoint only of one locality, and the Commission had to disregard some suggestions otherwise meritorious because the Constitution requires the election laws to be uniform, and the suggested changes were not suitable to all local conditions. Other recommendations were disregarded because they were purely experimental, and the Commission believed that it was wiser to attempt to simplify and improve existing machinery than to rashly experiment with new, to the confusion of the voter and possible injury to the State. Every suggestion has been considered, and every new law in any of the States has been obtained, if possible, and studied. The Commission annexes hereto a chart showing the course of the several states in regard to election laws and other matters which might affect their operation. The Commission has in its possession nearly a full collection of the existing election laws of the various States, which it will forward to the Legislative Reference Bureau for the use of the General Assembly.

For the convenience of the General Assembly the Commission reprints and annexes to this report the statutes originally recommended, except in so far as the recommendations therein contained have since been adopted or substantially adopted by the Legislature, together with the amendments above referred to and also the additional statutes not annexed to its original report, but now recommended as a result of the Commission's subsequent work.

## SUMMARY OF SUGGESTED AMENDMENTS

A brief summary of all of these statutes is as follows:

EXHIBIT A. Enlarging the term of Registry Assessors in Boroughs and Townships from two to four years and giving to the County Commissioners the power to fill vacancies.

EXHIBIT B. Extending to Cities of the third class the provisions of the Act of June 25, 1895, P. L. 296 (Codification, Secs. 4, 5), relating to returns by tax collectors.

EXHIBIT C. Enlarging the term of registry assessors in cities of the third class from two to four years.

EXHIBIT D. Abolishing the December Assessment.

EXHIBIT E. Abolishing the December Registry List.

EXHIBIT F. Abolishing Personal Registration in cities of the third class and providing a substitute system of registration.

EXHIBIT G. Changing the form of register in cities of the first and second class, and defining the method of proving the payment of tax at registration.

EXHIBIT H. Changing the hours of registration in cities of the first and second class.

EXHIBIT I. Providing for the payment of taxes at the time of registration.

EXHIBIT J. Providing a system of party enrollment.

EXHIBIT K. Amending the existing Uniform Primary Act so as to require the candidate's consent before his name is placed on the primary ballot and providing for the withdrawal of candidates, and preventing a candidate from running on the ballot of more than one party except by consent of the party committee.

EXHIBIT L. Providing for the holding of separate primaries by each party, conducted by party officers and under party rules, and at the expense of the party, but subject to certain legal restrictions and safeguards against fraud.

EXHIBIT M. Providing a method for the nomination of candidates for the office of Judge of the Supreme and Superior Courts, when such office is to be filled at a municipal election.

EXHIBIT N. Regulating the preëmption of party names.

EXHIBIT O. Condensing and simplifying the ballot by providing for only one square opposite the name of each candidate and by dividing the ballot into separate sheets for presidential electors, State and Congressional offices, municipal offices and constitutional amendments, changing the method of obtaining assistance, and the method of counting and returning the vote.

EXHIBIT P. Prescribing the method of determining the status of a party.

EXHIBIT Q. The so-called "Envelope Ballot Law," providing a method whereby the voter may secure and mark his ballot before going to the polls and retaining all the safeguards of the present system against fraud.

EXHIBIT R. Facilitating the opening of the ballot box and recounting the vote where fraud is suspected.

EXHIBIT S. Requiring the County Commissioners to begin proceedings for the division of election districts in cities of over one hundred thousand inhabitants whenever more than two hundred and fifty votes have been polled in such district.

EXHIBIT T. Providing a comprehensive and exclusive method of changing polling places.

EXHIBIT U. Prescribing more definitely the requisite physical arrangements of polling places.

EXHIBIT V. Providing for the allowance of mileage for returning the ballot boxes after the election.

FRANK P. PRICHARD  
ERNEST L. TUSTIN  
GEORGE M. DIMELING  
JOHN M. FLYNN  
WILLIAM U. HENSEL  
DAVID H. LANE



# APPENDIX

## EXHIBIT A

### REGISTRATION IN BOROUGHS AND TOWNSHIPS

*Amendment to Act of June 16, 1891, P. L., 298.*

*Commission's Codification, page 4, Section 16.*

*Proposed Amendments: (1) Increase term of Registry Assessors from two to four years; for the sake of general uniformity, to secure more experienced officials, to render less frequent elections necessary and to make terms uniform with real estate assessors.*

*(2) Empower County Commissioners to fill vacancies instead of the Court, because commissioners fill vacancies in office of real estate assessors, and all duties of registry assessors are under direction of commissioners.*

#### AN ACT

To amend section one of an act approved the sixteenth day of June, A. D. 1891, entitled "An act to authorize the election of assistant assessors, for the purpose of registration of voters, in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides," by enlarging the term of assistant assessors, providing for their election every four years, and changing the power of filling vacancies from the court of quarter sessions to the county commissioners.

SECTION 1. *Be it enacted, etc.*, that section one of an act approved the sixteenth day of June, A. D. 1891, entitled, "An act to authorize the election of assistant assessors, for the purpose of registration of voters, in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides," which reads and provides as follows, to wit:

"SECTION 1. *Be it enacted, etc.*, that the qualified voters of every election district in boroughs and townships in the Commonwealth of Pennsylvania wherein more than one election district is authorized and where but one assessor

for valuation of taxable property resides in the borough or township having more than one election district, shall *on the third Tuesday of February, Anno Domini one thousand eight hundred and ninety-two, and annually thereafter*, elect a properly-qualified person for assistant assessor in each of said election districts, who shall perform all the duties relating to elections now required to be performed by assessors in boroughs and townships having but one election district.

*"In case of a vacancy in said office, the court of quarter sessions, or any judge of the said court of the same county, shall appoint a person to fill such vacancy,"* be and the same is hereby amended to read as follows, to wit:

SECTION 1. *Be it enacted, etc.*, that the qualified voters of every election district in boroughs and townships in the Commonwealth of Pennsylvania, wherein more than one election district is authorized, and where but one assessor for valuation of taxable property resides in the borough or township having more than one election district shall *at the municipal election on the Tuesday after the first Monday of November, nineteen hundred and thirteen, and quadrennially thereafter*, elect a properly-qualified person for assistant assessor in each of said election districts to serve *for four years*, who shall perform all the duties relating to elections now required to be performed by assessors in boroughs and townships having but one election district. In case of a vacancy in said office, the *county commissioners* shall appoint a person to fill such vacancy.

## EXHIBIT B

### REGISTRY ASSESSMENTS IN BOROUGHS AND TOWNSHIPS AND IN CITIES OF THE THIRD CLASS.

*Amendments to the Act of June 25, 1895, P. L., 296 (No. 212).  
Commission's Codification, page 2, sections 4 and 5.*

*Proposed amendment: (1) To extend to the cities of the third class the operation of the Act now relating to townships and boroughs; because it is proposed to relieve the cities of the third class from the necessity of personal registration; there will then be no public record of what voters have qualified themselves by paying the necessary state or county tax within two years. This return by the tax collectors to the county commissioners will supply that record; and enable the registrars to complete their voting list for the election officers.*

#### AN ACT

To amend the title and sections one (1) and two (2) of an act approved June 25, A. D. 1895, entitled "An act requiring tax collectors of townships and boroughs of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners, containing a correspondingly numbered stub, and requiring a sheet setting forth name, amount of tax paid and number of receipt to be sent, twenty days before each election, to the county commissioners for public inspection, and to provide for punishment of tax collectors violating the provisions of this act."

SECTION 1. *Be it enacted, etc.*, that the title of an act approved June 25, A. D. 1895, which title is as follows: "An act requiring tax collectors of townships and boroughs of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners containing a correspondingly numbered stub, and requiring a sheet, setting forth name, amount of tax paid and number of receipt to be sent, twenty days before each election, to the

county commissioners for public inspection, and to provide for punishment of tax collectors violating the provisions of this act," be and the same is hereby amended to read as follows:

"An act requiring tax collectors of townships, boroughs *and cities of the third class* of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners containing a correspondingly numbered stub, and requiring a sheet, setting forth name, amount of tax paid and number of receipt, to be sent, *twenty-five* days before each election, to the county commissioners for public inspection, and to provide for punishment of tax collectors violating the provisions of this act."

SECTION 2. That section 1 of said act, which reads as follows:

"SECTION 1. *Be it enacted, etc.*, that tax collectors of townships *and* boroughs of the Commonwealth furnish each person, on the payment of taxes, with a numbered receipt setting out date, name of tax-payer, amount of tax and district in which tax-payer is assessed, from a book to be furnished by the county commissioners containing a stub, that on the stub *a* memoranda shall be made in ink of the number of the receipt, the date, name of taxpayer, amount of tax and district in which taxpayer is assessed," be and the same is hereby amended to read as follows:

"SECTION 1. *Be it enacted, etc.*, that tax collectors of townships, boroughs *and cities of the third class* of the Commonwealth furnish each person, on the payment of taxes, with a numbered receipt, setting out date, name of tax-payer, amount of tax and district in which tax-payer is assessed, from a book to be furnished by the county commissioners, containing a stub, that on the stub memoranda shall be made in ink of the number of the receipt, the date, name

of tax-payer, amount of tax and district in which tax-payer is assessed."

**SECTION 3.** That section 2 of said act, which reads as follows: "Section 2. That *twenty* days before each election the tax collector of townships *and* boroughs shall send a sheet to the office of the county commissioners containing the number of each receipt issued, date of payment, name of taxpayer, amount of tax and district in which taxpayer is assessed for the period since the last report. The first report shall be for taxes received on and after June first, one thousand *eight hundred and ninety-five*," and the same is hereby amended so as to read as follows:

"**SECTION 2.** That *twenty-five* days before each election the tax collector of townships, boroughs *and cities of the third class* shall send a sheet to the office of the county commissioners containing the number of each receipt issued, date of payment, name of tax-payer, amount of tax and district in which tax-payer is assessed for the period since the last report. The first report shall be for taxes received on and after June first, one thousand *nine hundred and thirteen*."

## EXHIBIT C

### REGISTRATION OF VOTERS IN CITIES OF THE THIRD CLASS

*This act supplies parts of the fifteenth section of the Act of 1874, P. L., 39, and Act of 1874, P. L., 44, Sec. 1. Commission's Codification, page 3, Secs. 8 and 9.*

*Proposed change: To extend the term of registry assessor in cities of the third class from two to four years; because this is uniform with the term of the real estate assessor, who is frequently the same person as the registry assessor in his election district; it makes the term uniform with registry assessors in boroughs and townships and with the terms of county commissioners, who revise and regulate the work of the registry assessors.*

*A complete new act is more desirable than to cite for amendment parts of two separate acts.*

#### AN ACT

Fixing the term of registry assessors or assessors to perform only duties incident to the holding of elections and registration of voters in cities of the third class at four years.

SECTION 1. *Be it enacted, etc.*, that at the municipal election to be held on the Tuesday after the first Monday of November, nineteen hundred and thirteen, and quadrennially thereafter, at the November municipal election, there shall be elected in each election district or precinct in all cities of the third class in the Commonwealth, a properly qualified person for registry assessor, to perform only such duties as are now and as heretofore have been required by law of assessors, registry or assistant assessors, incident to the holding of elections and registration of voters.

SECTION 2. That the term of such assessors shall begin on the first Monday of December following their election and shall continue for four years.

SECTION 3. The compensation of such assessors shall be the same as now fixed by law.

SECTION 4. That all laws inconsistent with this are hereby repealed.

## EXHIBIT D

### REGISTRATION OF VOTERS BY REGISTRY ASSESSORS IN ALL ELECTION DISTRICTS.

*Amendment to Section 1 of the Act of May 29, 1891, P. L., 134. Commission's Codification, p. 6, section 20.*

*Purpose of Amendment: To dispense with registry in December—no longer necessary, because February elections are abolished.*

#### AN ACT

To amend an act approved May 29, 1891, amending an act approved January 30, 1874, the former being entitled "An Act to amend sections one, two and three of an act, entitled 'A further supplement to the act regulating elections in this Commonwealth,' approved the thirteenth day of January, Anno Domini one thousand eight hundred and seventy-four, changing the time and manner of making the registry of voters and the duties of registry assessors," by abolishing the December registry.

SECTION 1. *Be it enacted, etc.*, That so much of section 1 of an act, approved May 29, 1891, entitled "An Act to amend sections one, two and three of an act entitled 'A further supplement to an act regulating elections in this Commonwealth,' approved the thirteenth day of January, Anno Domini one thousand eight hundred and seventy-four, changing the time and manner of making the registry of voters and the duties of registry assessors," which reads as follows:

"SECTION 1. That for the purpose of making the original annual assessment and registration of voters in each of the election districts of this Commonwealth, it shall be the duty of each of the assessors, who are required to perform any of the duties incident to the holding of elections and the registration of voters in the different election districts

of this Commonwealth, to visit in person each and every dwelling house in his district on the first Monday in May *and on the first Monday in December* of each year, or as soon thereafter as may be possible and practicable, when all of said dwelling houses cannot be personally visited by him on the said first Monday of May *and on the first Monday in December*," shall be and is hereby amended so as to read as follows:

SECTION 1. That for the purpose of making the original annual assessment and registration of voters in each of the election districts of this Commonwealth, it shall be the duty of each of the assessors, who are required to perform any of the duties incident to the holding of elections and the registration of voters in the different election districts of this Commonwealth, to visit in person each and every dwelling house in his district on the first Monday in May, or as soon thereafter as may be possible and practicable, when all of said dwelling houses cannot be personally visited by him on the said first Monday of May.

## EXHIBIT E

### ASSESSMENTS OF VOTERS BY REGISTRY ASSESSORS

*See Act of May 16, 1895, P. L., 75, Sec. 3.*

*Commission's Codification, page 9, section 26.*

*Proposed Amendment: To strike out the December Registry—because of the abolition of the February Election.*

#### AN ACT

Amending an act approved May 16, 1895, entitled "An act to amend sections two and three of an act, entitled 'A further supplement to the act regulating elections in this Commonwealth,' approved the twenty-ninth day of May, one thousand eight hundred and ninety-one, changing the time and manner of making the registry of voters and the duties of registry assessors."

SECTION 1. *Be it enacted, etc.*, That section 3 of an act approved May 16, 1895, entitled "An Act to amend sections two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth,' approved the twenty-ninth day of May, one thousand eight hundred and ninety-one, changing the time and manner of making the registry of voters and the duties of registry assessors," which reads as follows:

"SECTION 3. After the assessments have been completed *on the sixty-second day before the third Tuesday of February, and on the sixty-second day before the Tuesday next following the first Monday of November in each year,* the assessor shall, on the following day, make a return to the county commissioners of the 'Original Registry List' thus revised and completed, and the county commissioners shall thereupon proceed to make out a complete list in alphabetical order of all persons so returned as taxables in said

election district, and furnish the same together with the necessary election blanks to the officers of the election in such election district on or before seven o'clock in the morning of the election, and no man shall be permitted to vote at the election on that day whose name is not on said list unless he shall make proof of his right to vote as herein-after required. '*The Original Registry List,' as returned to the county commissioners preceding the November election, shall be returned by the county commissioners to the assessor before the first Monday of December, which shall be used by said assessor to make his original registry list for December, as heretofore provided,"* shall be and is hereby amended so as to read as follows:

SECTION 3. After the assessments have been completed on the sixty-second day before the Tuesday next following the first Monday of November in each year, the assessor shall, on the following day, make a return to the county commissioners of the "Original Registry List" thus revised and completed, and the county commissioners shall thereupon proceed to make out a complete list in alphabetical order of all persons so returned as taxables in *all and every election district in the townships and boroughs of this Commonwealth*, and furnish the same, together with the necessary election blanks, to the officers of the election in such election district, on or before seven o'clock in the morning of the election; and no man shall be permitted to vote at the election on that day whose name is not on said list, unless he shall make proof of his right to vote as herein-after required.

## EXHIBIT F

### REGISTRATION IN CITIES OF THE THIRD CLASS

*This act contemplates that in cities of the third class the registry assessors shall make the original canvass and registry of voters after the usual Spring changes; the same as is provided for boroughs and townships in Secs. 20, 21, 22 and 23 of the Code. Sections 24, 25 and 26 of the Code, relating to boroughs and townships, are superseded and supplied by this act, which prescribes more rigid regulations for registration in cities of the third class; but abolishes and obviates the necessity of personal attendance upon the registrars.*

*See Acts of 1906, P. L., 63, 1907, P. L., 251, and 1911, P. L., 1014. To be repealed and supplied by this law.*

#### AN ACT

To provide for the revision of the registration of voters in cities of the third class, by registrars appointed by the county commissioners; and prescribing penalties for their violation or neglect of duty and for other misconduct.

SECTION 1. *Be it enacted, etc.*, that the county commissioners of each county in which are located cities or a city of the third class, shall not later than September 1, 1913, and thereafter not later than September 1st, every fourth year, appoint two registrars for each election precinct in such city or cities, to serve for a term of four years, and until their successors are duly qualified. The said registrars must be duly qualified electors of the precinct or ward for which they are appointed, and must have been residents of the city in which said precinct or ward is situated for a period of two years before their said appointment, and of the precinct or ward for one year immediately preceding the same. They must be sober and judicious persons, of good moral character, able to read intelligently and to write legibly. One of the said registrars shall be a member of the party polling the highest vote within the election pre-

cinct or ward at the last preceding Presidential election and the other shall be a member of the party polling the next highest vote. It is the intent of this act that at all times the Board of Registrars shall be, as nearly as may be, evenly divided in political faith, and, therefore, if it appear that at any time, by reason of a change in political affiliations or because of error in the appointment, the Board is not so evenly divided, any ten electors of the district may file a petition with the county commissioners, setting forth the facts, and praying that the changed or erroneous appointments may be revoked and another appointment made instead. The county commissioners shall grant a public hearing, and if they find the facts to be as represented, they shall give the relief asked for. No person who holds, or is a candidate for, a public office shall act as registrar.

SECTION 2. The county commissioners shall also be empowered to remove any of the said registrars for misconduct or malfeasance in office.

SECTION 3. The names of two suitable persons to be registrars shall be suggested to the county commissioners, by petitions duly filed for each precinct or ward, by the party representatives of the two leading parties of the precinct or ward. The petitions shall be signed by five electors of the district, and shall set forth the names, addresses, occupations, and political affiliations of the persons suggested. The signers of the petitions shall swear to the truth of the facts set forth therein. The petition shall remain on file, open to the public inspection, at least ten days before the persons named therein shall be appointed, except in cases where a vacancy occurs in the office of registrar within ten days of a registration day, when the appointment can be made without such delay. If no petitions are filed, the county commissioners may appoint. No appointment shall be made unless the person who desires to be appointed personally appears before the county commissioners and satis-

fies them of his qualifications. In case of reappointment, however, it shall not be necessary for him to appear before them.

SECTION 4. At least one week's notice of the time and place of the examination of the suggested registrars shall be given by the county commissioners, in the daily press; and any elector may appear, either in person or by counsel, and object to the qualification of any applicant. If the persons nominated are found not to be properly qualified, the county commissioners may decline to appoint them; and the party authorities of the precinct or ward may then suggest another name, or other names, for the said place or places, and failing to do so the commissioners shall appoint.

SECTION 5. The registrars shall receive a compensation of five dollars a day, for the time actually spent in the work of registration.

SECTION 6. The registrars of each election district shall meet at the polling-places thereof, on the seventh Tuesday and third Saturday preceding every November election, and shall remain in open session, from eight ante meridian to one post meridian, two to six post meridian, and from seven post meridian to ten post meridian, of each registration day.

SECTION 7. They shall, at the first of such meetings herein provided for, viz.: on the seventh Tuesday before the November election, obtain and receive from the county commissioners, who shall deliver to them the "Original Registry List" provided for in the laws regulating the assessment of voters by the assistant or registry assessors. They shall proceed to make out two complete lists in alphabetical order of all persons returned thereon as legal voters; noting their reported place of residence, street and number.

SECTION 8. They shall, at each of said meetings, revise and purge said lists by adding thereto any names of qualified

electors— proved by the written affidavits of two qualified electors—who have been omitted therefrom; and they shall strike from the list the names of such persons as shall be proved, to their satisfaction, by the affidavits of at least two qualified electors of the precinct or ward, to have died, or removed from the district, since the original registry.

SECTION 9. They shall obtain and receive from the county commissioners and the county commissioners shall deliver to them the originals or copies of the tax collectors' reports provided for by the laws of this Commonwealth to be made by the tax collectors for their election districts for the two preceding years; and therefrom they shall obtain the information and record opposite each voter's name the date of his last payment of a state or county tax.

SECTION 10. Parties or bodies of electors, who are now, or hereafter may be, entitled to have watchers at the general election, shall be allowed to appoint not more than three electors of the precinct or ward to act as watchers in each place of registry, without expense to the county, on each registration day. No more than one watcher from such party shall be allowed in the registry place at any one time. Each watcher shall be provided with a certificate from the county commissioners, stating his name and the party or policy he represents. Watchers shall be entitled to be present during all of the public sessions herein provided for, and shall be required to show their certificates when requested to do so. They shall have the power to challenge.

SECTION 11. At the end of each day's registration the registrars shall compare the two registers, so kept, and cause any errors in either of them to be corrected by aid of the entries in the others, so as to make the same agree, where there is any difference between them. The registrars shall then sign their initials on the line immediately under the last names registered, under each letter, in both books, together with the date. At the close of the registrations, the reg-

istrars shall sign a certificate, the form of which shall be printed on the last page of the registers, setting forth the number of persons added to the "original registry" on each day, and the number of names which have been stricken out, if any.

SECTION 12. If any citizen shall object to the action of the registrars in accepting or rejecting any claim for registration, or to any record or act of registration, he may file his petition with the county commissioners, setting forth the ground of his complaint, within five days. If the complaint is to the acceptance of a claim, notice to the claimant shall be given by leaving a written or printed notice at his place of residence, as given by him to the registrars and recorded on the registers. When such petitions are filed the county commissioners shall fix a time and place for hearing them, sufficiently in advance of the election to enable the same to be heard and disposed of prior thereto, and to have a review thereof by the courts. Such hearing shall be public, before the county commissioners, and the registers of voters may be amended, either by the insertion of a new name or the cancellation of a name already on the registers, or otherwise, as the county commissioners may order. The county commissioners may enforce their orders as herein provided, or may make the amendments themselves or by their clerks.

SECTION 13. Any elector who is not satisfied with the decision of the county commissioners, may petition the court of common pleas, or any judge thereof at chambers, setting forth the reasons why he feels that injustice has been done, and thereupon the said court of common pleas or judge may, in its or his discretion, allow an appeal from the decision of the county commissioners. And the court, after a public hearing, may reverse, affirm, or alter the decision of the county commissioners. Said appeals must be made not later than five days preceding the election.

SECTION 14. The county commissioners shall supply to the registrars the blank books, forms and other supplies prepared for their use, before the first registration day. On registration days, and during the time from one such day to another, until the close of the registration period, the said registrars shall have the custody and control, and shall be charged with the safe-keeping, of the registers in which they have made entries, together with all affidavits, forms, and so forth, and shall return them to the county commissioners on the Monday after the third Saturday before the November election.

SECTION 15. On or before seven o'clock on the morning of election day the County Commissioners shall furnish the two lists of the completed registry of voters to the officers of the election in their respective election districts.

SECTION 16. No person who appears on said lists to be a legally qualified voter shall be subject to challenge; and the vote of each person on said list shall be accepted by the election officers.

SECTION 17. No person who does not appear on said list to be a legally qualified elector shall be permitted to vote.

SECTION 18. After the election, the election officers shall deposit one of the registry lists with the voters' list in the ballot box; the other registry list shall be returned to the county commissioners, and the registrars shall deliver all affidavits, vouchers, unused forms and other papers to the county commissioners, who shall retain them for one year at least except in cases of contested elections, when they shall be under the control and abide the order of the court hearing the contest.

SECTION 19. The county commissioners of each county, upon proper vouchers, shall provide for the payment of the registrars provided by this act. They shall

furnish proper rooms for the accommodation of themselves and their records. They shall also prepare and have printed, at the expense of the county, all the registers, affidavits, blanks, blank books, and stationery required by the provisions of this act, or which are reasonably necessary to carry out its provisions, and shall provide for their proper distribution to the registrars. It shall also be their duty to see that the polling places are open and in proper order for the use of the registrars.

SECTION 20. The two registers shall be used at elections by the election officers, in the place of the ballot check-list and the voting check-list. One of the said registers shall be marked "ballot check-list," and the other shall be marked "voting check-list." The ballot check-list shall be returned to the County Commissioners and the voting check-list shall be deposited in the ballot box.

SECTION 21. Any registrar wilfully violating any of the provisions of this act; or wilfully registering any false statement, or any elector as qualified whom he knows not to be qualified, or excluding from the registry any voter whom he knows to be qualified, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for not less than thirty days nor more than a year, and a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000) and in addition thereto he shall be deprived of the right of suffrage for a term of four years from the date of his sentence.

SECTION 22. Any elector who shall wilfully make any false affidavit or statement to any registrar, with intent to procure the registration of an elector not qualified or to exclude or prevent the registration of an elector who is qualified, shall be deemed to have committed perjury and shall be punishable as other perjury is punished, and in

addition thereto he shall be deprived of the right of suffrage for a term of four years from the date of his sentence.

SECTION 23. All laws, acts of assemblies or parts of such acts inconsistent herewith or conflicting with the provisions of this act are hereby repealed.

SECTION 24. The act of assembly approved March 6, 1906, P. L., 63, entitled "An act to provide for the personal registration of electors in cities of the third class of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violation of its provisions," and all amendments thereto are hereby expressly repealed.

## EXHIBIT G

### PERSONAL REGISTRATION IN CITIES OF THE FIRST AND SECOND CLASS

*Amendments to Act of 1906, P. L. 49 and Act of 1911, P. L. 993.*

*Commission's Codification, sections 37 to 40.*

*Purpose of Amendments: (1) To change the form of register. (2) To define the method of proving the payment of tax.*

#### AN ACT

To amend an act entitled "An Act to provide for the personal registration of electors in cities of the first and second classes of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violation of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six, by changing the form of the register; and by defining the method of proving the payment of tax.

SECTION 1. *Be it enacted, etc.*, That section seven of an act entitled "An act to provide for the personal registration of electors in cities of the first and second classes of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violations of its provisions," approved the seventeenth of February, Anno Domini one thousand nine hundred and six, as amended by section four of an Act approved the sixteenth day of June, A. D. one thousand nine hundred and eleven, which reads as follows:

"SECTION 7. Every person claiming the right to vote must appear in person before the registrars, in the division in which he lives, on one of the days prescribed by law, and answer the questions put to him by them. These answers must be recorded, on a single line, in two registers, which shall have the following form.

Surname	Christian Name	Occupation	Present Residence		
			Street Number	Lodger, Lessee or Owner	Room or Floor Occupied
I	2	3	4	5	6

Length of Residence		Place of Residence at time of Last Registration			Place of Birth	Naturalization Papers Produced, Yes or No	No. of Affidavit of Naturalization of Father, if Taken	Tax Receipts Produced, Yes or No	
In State	In District	State	City	Street and Number					
7	8	9	10	11	12	13	14	15	16

No. of Affidavit of loss, if taken If under 12 Years of age write "Age"	Personal Description				Signature at time of Registration or of Voting
	Color	Approximate Age	Tall, Short or Medium	Approximate Weight	
17	18	19	20	21	22

If Challenged, No. of Challenge Affidavit	VOTED				
	These columns are for use at election and are not to be filled in by Registrars				
	Fall Primary	November Election	Spring Primary	Special Election	
23	24	25	26	27	

The size and character of the said register shall be determined by the Secretary of the Commonwealth, and the form thereof shall be furnished by the said Secretary to the respective commissioners.

Immediately above the form shall be printed the following instructions: The applicant must be sworn, or affirmed that the information given by him in reference to his right to be registered shall be the truth. Any wilful false statement constitutes perjury, and is punishable as such.

Every register shall be indexed alphabetically from A to Z. The lines of each page shall be consecutively numbered in both margins, beginning with the number one at each alphabetical division of the register. The answers of the applicants shall be recorded, in their presence, in both registers, in the following manner: In the first column shall be entered the surname of the applicant, in the order of his appearance at the polling-place, on the page bearing the index letter of his surname; in the second column shall be entered his Christian name or names; in the third column, his occupation; in the fourth column, the street and number of his residence; in the fifth and sixth columns, whether he is a lodger, lessee, or owner, and, if he is a lodger or is lessee of a portion only of a house, the location or number of the room or floor which he occupies; in the seventh and eighth columns shall be entered the length of his residence in the State and district, respectively; in the ninth, tenth, eleventh, and twelfth columns, the location of the house from which he last registered, giving State, city, street, and number, respectively, and the year in which he is so registered; in the thirteenth column, the State or territory of the United States, or the foreign country, where he was born; in the fourteenth column, whether, being foreign born, he produces his naturalization papers; in the fifteenth column, the number of the affidavit of naturalization of his father, if taken; in the sixteenth and seventeenth columns,

the manner in which he complies with the law relating to the payment of taxes as a qualification of the right to vote, whether by the production of his receipt or by making affidavit; if the applicant is less than twenty-two years of age, the word "age" shall be recorded in said column; in the eighteenth, nineteenth, twentieth, and twenty-first columns, his personal description, designating whether white or colored, his approximate age, height, and weight; in the twenty-second column, in the register marked "voting check-list," he shall be required to sign his name, if able to write; if he alleges inability to write, a record of the fact shall be made in the same column; and unless due to some apparent physical infirmity, he shall be required to make affidavit of his inability to write; in the twenty-second column in the register marked "ballot check-list," he shall, if challenged on election day, be required to sign his name; in the twenty-third column shall be entered the number of the challenge affidavit of every person who is required to take said affidavit; in the twenty-fourth, twenty-fifth, twenty-sixth, and twenty-seventh columns the election officers shall record, in one register, the obtaining of the ballot, and, in the other, the casting of the vote of the registered elector at the general, municipal, primary, or special elections, as hereinafter provided, or as may hereafter be provided by law," be amended to read as follows:

SECTION 7. Every person claiming the right to vote must appear in person before the registrars, in the division in which he lives, one of the days prescribed by law, and answer the questions put to him by them. These answers must be recorded, on a single line, in two registers, which shall have the following form.

			Present Residence		
Surname	Christian Name	Occupation	Street Number	Lodger, Lessee or Owner	Room or Floor Occupied
1	2	3	4	5	6

Length of Residence		Place of Residence at time of Last Registration			Place of Birth	Naturalization Papers Produced, Yes or No	No. of Affidavit of Naturalization of Father, if Taken	Tax Receipts Produced, Yes or No
In State	In District	State	City	Street and Number				
7	8	9	10	11	12	13	14	15

No. of Affidavit of loss, if taken. If under 22 years of age, write "Age",	Date of Payment of Tax	Personal Description				Signature at time of Registration or of Voting
		Color	Approximate Age	Tall, Short or Medium	Approximate Weight	
17	18	19	20	21	22	23

If Challenged, No. of Challenge Affidavit	VOTED					
	November Election	Fall Primary	Spring Primary	Special Elections		
24	25	26	27	28		

The size and character of the said register shall be determined by the Secretary of the Commonwealth, and the form thereof shall be furnished by the said Secretary to the respective commissioners.

Immediately above the form shall be printed the following instructions: The applicant must be sworn, or affirmed that the information given by him in reference to his right to be registered shall be the truth. Any wilful false statement constitutes perjury, and is punishable as such.

Every register shall be indexed alphabetically from A to Z. The lines of each page shall be consecutively numbered in both margins, beginning with the number one at each alphabetical division of the register. The answers of the applicants shall be recorded, in their presence, in both registers, in the following manner: In the first column shall be entered the surname of the applicant, in the order of his appearance at the polling-place, on the page bearing the index letter of his surname; in the second column shall be entered his Christian name or names; in the third column, his occupation; in the fourth column, the street and number of his residence; in the fifth and sixth columns, whether he is a lodger, lessee, or owner, and, if he is a lodger or is lessee of a portion only of a house, the location or number of the room or floor which he occupies; in the seventh and eighth columns shall be entered the length of his residence in the State and district, respectively; in the ninth, tenth, eleventh, and twelfth columns, the location of the house from which he last registered, giving State, city, street, and number, respectively, and the year in which he is so registered; in the thirteenth column, the State or territory of the United States, or the foreign country, where he was born; in the fourteenth column, whether, being foreign born, he produces his naturalization papers; in the fifteenth column, the number of the affidavit of naturalization of his father, if taken; in the sixteenth and seventeenth columns,

the manner in which he complies with the law relating to the payment of taxes as a qualification of the right to vote, whether by the production of his receipt or by making affidavit; if the applicant is less than twenty-two years of age, the word "age" shall be recorded in said column; *in the eighteenth column, the date of payment of tax*; in the nineteenth, twentieth, twenty-first and twenty-second columns, his personal description, designating whether white or colored, his approximate age, height, and weight; in the twenty-third column, in the register marked "voting check-list," he shall be required to sign his name, if able to write; if he alleges inability to write, a record of the fact shall be made in the same column; and unless due to some apparent physical infirmity, he shall be required to make affidavit of his inability to write; in the twenty-third column in the register marked "ballot check-list," he shall, if challenged on election day, be required to sign his name; in the twenty-fourth column shall be entered the number of the challenge affidavit of every person who is required to take said affidavit; in the twenty-fifth, twenty-sixth, twenty-seventh, and twenty-eighth columns the election officers shall record, in one register, the obtaining of the ballot, and, in the other, the casting of the vote of the registered elector at the general, municipal, primary, or special elections, as hereinafter provided, or as may hereafter be provided by law.

**SECTION 2.** That section eight of said act, as amended by section six of said Act of June 16, 1911 which reads as follows:

"**SECTION 8.** Every person who shall have paid his taxes on or before the last day for registration and who shall possess all the other qualifications of an elector, as provided in the Constitution and laws of this Commonwealth, or who by continued residence in his election division will obtain such qualifications before the next ensuing election, shall be entitled to be registered; but no person shall be regis-

tered unless at least two of the registrars determine that he is so qualified," be amended to read as follows:

SECTION 8. Every person who shall have paid his taxes on or before the last day for registration and who shall possess all the other qualifications of an elector, as provided in the Constitution and laws of this Commonwealth, or who by continued residence in his election division will obtain such qualifications before the next ensuing election, shall be entitled to be registered; but no person shall be registered unless at least two of the registrars determine that he is so qualified. *When the person offering to register claims the right on payment of tax, the receipt for such tax, if signed by the proper officer, shall be evidence thereof; if such person is unable to produce such receipt, then the payment of the tax may be proved by the oath of such person, stating when, where and to whom such tax was paid, and that the receipt therefor has been lost, destroyed or is inaccessible.*

## EXHIBIT H

### HOURS OF REGISTRATION

*Amendment to Act of 1911, P. L., 999.*

*Codification, Section 36.*

*Purpose: To lengthen the hours of registration.*

#### AN ACT

To amend section six of an Act entitled "An Act to provide for the personal registration of electors in cities of the first and second classes of this Commonwealth, to make such registration a condition of the right to vote in such cities, and to provide penalties for violations of its provisions" approved the Seventeenth day of February, Anno Domini one thousand nine hundred and six as amended by section four of an Act approved the Sixteenth day of June, Anno Domini one thousand nine hundred and eleven, by changing the hours of registration.

*Be it enacted, etc.,* That Section six of an Act entitled "An Act to provide for the personal registration of electors in Cities of the first and second classes of this Commonwealth, to make such registration a condition of the right to vote in such cities and to provide penalties for violations of its provisions," approved the Seventeenth day of February, Anno Domini one thousand nine hundred and six as amended by section four of an Act approved the sixteenth day of June, Anno Domini one thousand nine hundred and eleven, which reads as follows:

"SECTION 6. The registrars of each division shall meet at the polling place thereof, in even numbered years on the ninth Thursday, seventh Tuesday, and fifth Saturday preceding the November election, which shall be known as the Fall registration, and on the fifth Wednesday preceding the Spring primary, which shall be known as the Spring registration; and, in odd-numbered years, on the

tenth Thursday, ninth Tuesday, and eighth Saturday preceding the November election, which shall be known as the Fall registration; and shall remain in open session from *seven* ante meridian to *ten* ante meridian, and from *four* post meridian to *ten* post meridian, of each registration day. They shall, on said days, receive personal applications from persons who claim that they are entitled to be registered. They shall have power to administer oaths, shall examine said applicants under oath and shall record on the register the names of those whom they shall determine to be qualified, as hereinafter provided. Two weeks' notice of the registration days shall be given by the commissioners, by publication in at least two daily newspapers in the city, and by posting notices at the polling places. Electors who did not register at fall registration may register at spring registration, and the list shall become of no validity at the beginning of the period of fall registration next succeeding that at which the registers were opened. The old registers shall be preserved by the commissioners for at least two years after the year in which they shall have been in use," be amended so as to read as follows:

SECTION 6. The registrars of each division shall meet at the polling place thereof, in even numbered years on the ninth Thursday, seventh Tuesday, and fifth Saturday preceding the November election, which shall be known as the Fall registration, and on the fifth Wednesday preceding the Spring primary, which shall be known as the Spring registration; and, in odd-numbered years, on the tenth Thursday, ninth Tuesday, and eighth Saturday preceding the November election, which shall be known as the Fall registration; and shall remain in open session from *seven* ante meridian to *eleven* ante meridian, and from *two* post meridian to *nine* post meridian, of each registration day. They shall, on said days, receive personal applications from persons who claim that they are entitled to be registered. They

shall have power to administer oaths, shall examine said applicants under oath and shall record on the register the names of those whom they shall determine to be qualified, as hereinafter provided. Two weeks' notice of the registration days shall be given by the commissioners, by publication in at least two daily newspapers in the city, and by posting notices at the polling places. Electors who did not register at fall registration may register at spring registration, and the list shall become of no validity at the beginning of the period of fall registration next succeeding that at which the registers were opened. The old registers shall be preserved by the commissioners for at least two years after the year in which they shall have been in use.

## EXHIBIT I

### PAYMENT OF TAXES AT REGISTRATION

*Purpose: To provide for the payment of taxes at the time and place of registration.*

#### AN ACT

Providing for the appointment of deputy tax collectors to sit at the polling places in cities of the first, second and third class upon the days provided for the personal registration of electors in said cities and for the appointment of registrars as such deputy tax collectors.

SECTION 1. *Be it enacted, etc.*, That the receiver of taxes in cities of the first class and the city treasurer in cities of the second and third class shall appoint a deputy tax collector for each election district in said cities, whose duty it shall be to be present at the polling place upon each of the days provided by law for the personal registration of electors in said cities during the hours of registration and to receive payment of taxes from persons who have been duly assessed in said district and make proper receipt therefor. The said receiver of taxes or city treasurer may appoint one of the registrars as deputy tax collector for that purpose, and it shall be the duty of the board of registration commissioners in cities of the first and second class and of the county commissioners in cities of the third class within ten days after the appointment of any registrar to certify to the said receiver of taxes or city treasurer the name of the registrar so appointed.

SECTION 2. The said deputy tax collectors shall hold office for the same period and shall receive the same compensation and shall be subject to the same duties and penal-

ties as are provided by law in the case of other deputy tax collectors in said cities.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

## EXHIBIT J

### PARTY ENROLLMENT

*Purpose: To prevent raiding at the primaries.*

#### AN ACT

To provide for the registration and enrollment of the voters of the State according to their respective party preferences, and to prescribe penalties for false registration, and for voters voting, or attempting to vote, and for election officers permitting, or conspiring to permit, them to vote at a primary by or on any other than their own proper party ticket.

SECTION 1. *Be it enacted*, That at each and every registration of voters held under any of the election and registration laws of this State, whether it is a personal registration or otherwise, and in all cities, counties, boroughs, townships and all other districts, there shall be a registration and enrollment of the voters according to their respective party preferences and affiliations.

SECTION 2. In all election districts where personal registration is required, in addition to other questions to be asked and answered and record made of the answer, the voter shall be interrogated and his answer shall be recorded as to the political party with which he is affiliated and at whose next primary he desires to vote; and this party preference or affiliation shall be certified with and in the same manner as all other matters of which record is made. *Provided*, however, that if any voter does not desire to vote at a primary election he shall not be required to answer as to his party affiliation, and in such case his party affiliation shall not be recorded.

SECTION 3. In all election districts in which personal registration is not required, and in which the registry of

voters is made by assessors, registers or registrars, the person making the registry shall ascertain, by inquiry of the voter when practicable, and by the best other means in his power, the party politics, preferences or affiliations of the voter and note and record the same with the residence and other particulars required in registration; and the same shall be returned and certified with the names of the voters.

SECTION 4. Any elector who is dissatisfied with the registration made of his party preferences or affiliations, or whose preferences and affiliations have not been ascertained, designated or recorded, may have the registry corrected, amended, altered or enlarged so as to secure a correct registration in the same manner and by the same processes as are provided by law for the correction and amendment of the registry in other particulars, provided that such amendments shall not be made later than ten days before any primary election at which the voter desires or intends to vote.

SECTION 5. No voter enrolled or registered as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party, and no elector who is not enrolled or registered as a member of some political party shall be permitted to vote, at any primary election.

SECTION 6. Any assessor or registrar wilfully violating any of the provisions of this act, or wilfully registering any false statement of an elector, or registering as the member of a political party one whom he knows not to be such, or excluding from a party registry or enrollment any voter whom he knows to be entitled thereto, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment for not less than thirty (30) days nor more than one (1) year, and a fine of not less than One Hundred Dollars (\$100) and not more than One Thousand

Dollars (\$1,000), and, in addition thereto, he shall be deprived of the right of suffrage for a term of four (4) years from the date of his conviction.

SECTION 7. Any elector who shall wilfully make any false affidavit or statement to any assessor or registrar, with intent to procure the false party enrollment or registration of himself or of any other voter, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment for not less than thirty (30) days nor more than one (1) year, and a fine of not less than One Hundred Dollars (\$100) and not more than One Thousand Dollars (\$1,000), and, in addition thereto, he shall be deprived of the right of suffrage for a term of four (4) years from the date of his conviction.

SECTION 8. Any voter or elector of the Commonwealth wilfully voting, or attempting to vote, at any primary election in violation of the provisions of this act, or any election officer wilfully receiving or conspiring to receive the vote of any elector casting the ballot as a voter of any political party not qualified as a member of said party under the provisions of this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment for not less than thirty (30) days nor more than one (1) year, and a fine of not less than One Hundred Dollars (\$100) and not more than One Thousand Dollars (\$1,000), and, in addition thereto, he shall be deprived of the right of suffrage for a term of four (4) years from the date of his conviction.

SECTION 9. All laws or Acts of Assembly inconsistent or in conflict herewith be and the same are hereby repealed.

## EXHIBIT K

### UNIFORM PRIMARIES

*Amendment to Act of 1906, P. L. 36.*

*Commission's Codification, sections 89 to 91.*

*Purpose of Amendment:* (1) *To require the candidate's consent to any petition to place his name on the ballot.* (2) *To prevent a candidate from running on more than one ballot.* (3) *To provide for the withdrawal of candidates.*

#### AN ACT

To amend an act entitled "An Act providing a uniform method of electing certain party officers and delegates to State and National conventions and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violation of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six, by providing that the signed consent of the candidate shall accompany every petition to place his name upon a primary ballot; providing that no candidate's name shall be printed upon the ballot of more than one party except with the consent of every such party; and providing for the withdrawal of candidates.

**SECTION 1.** *Be it enacted, etc.*, That section five of an act entitled "An act providing a uniform method of electing certain party officers and delegates to State and National Conventions and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors and prescribing penalties for the violation of the provisions," approved February Seventeenth, Anno Domini one thousand nine hundred and six, which reads as follows:

"**SECTION 5.** The names of candidates shall be printed upon the official ballot of a designated party, upon the filing

of petitions, signed by qualified electors of the political district division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated.

The said petitions, in the case of candidates for Congress or for State offices, shall be filed, at least four weeks prior to the primary, with the Secretary of the Commonwealth; and in all other cases shall be filed, at least three weeks prior to the primary, with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. Candidates for nomination for members of Congress, Judges of the various courts, and State Senator, two hundred qualified electors.

2. Candidates for nomination for members of the State House of Representatives, and for offices to be voted for by the entire county, fifty qualified electors.

3. Candidates for nomination for all other offices, for delegates to State and National conventions, and for party offices, ten qualified electors," be amended to read as follows:

SECTION 5. The names of candidates shall be printed upon the official ballot of a designated party upon the filing of petitions signed by qualified electors of the political district *or* division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated *and accompanied by the signed consent of the candidate, duly acknowledged in the manner provided for the acknowledgment of deeds: Provided, that after a petition has been filed to place the name of a candidate upon the ballot of any party, no petition shall be filed to place his name upon the ballot of any other party, unless he shall first withdraw as a candidate of such first party, or unless such petition shall be accompanied by the written con-*

*sent of every party whose nomination he seeks, signified by the certificate of the chairmen of the respective party committees for the political district for which such nomination is to be made, that such committee consents thereto.*

The said petitions in the case of candidates for Congress, or for State offices, shall be filed at least four weeks prior to the primary with the Secretary of the Commonwealth, and in all other cases shall be filed at least three weeks prior to the primary with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. Candidates for nomination for members of Congress, Judges of the various courts and State Senators, two hundred qualified electors.
2. Candidates for nomination for members of the State House of Representatives and for offices to be voted for by the entire county, fifty qualified electors.
3. Candidates for nomination for all other offices, for delegates to conventions and for party offices, ten qualified electors.

*Any person for whom a petition has been filed as aforesaid may at any time up to ten days before the primary withdraw his name with the same effect as if such petition had never been filed, by filing in the office in which such petition was filed his written withdrawal, duly acknowledged in the manner provided for the acknowledgment of deeds.*

## EXHIBIT L

### SEPARATE PARTY PRIMARIES

*Amendment to Act of 1906, P. L. 36; Act of 1907, P. L. 199, and Act of 1911, P. L. 43.*

*Commission's Codification, Sections 78 to 115.*

*Purpose of Amendments: (1) To allow parties to hold their primaries on different dates. (2) To leave to the party to determine whether it shall nominate directly or indirectly. (3) To permit each party to select its own officers for the conduct of its primary, and to determine the qualifications of its members. (4) To place the cost of the primaries upon the parties.*

#### AN ACT

To amend an act entitled "An Act providing a uniform method of electing certain party officers and delegates to State and National conventions and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violation of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six, by providing for separate primaries for each party, conducted by officers selected by the party; permitting parties to determine what candidates they shall nominate thereat; defining the method of ascertaining the vote cast by a party for the purpose of determining its right to nominate by primary; requiring certain expenses incident thereto to be paid by the several parties; providing that the signed consent of the candidate shall accompany every petition to place his name upon a primary ballot; providing that no candidate's name shall be printed upon the ballot of more than one party except with the consent of every such party; and providing for the withdrawal of candidates.

SECTION 1. *Be it enacted, etc.*, That section two of an act entitled "An Act providing a uniform method of electing certain party officers and delegates to State and National conventions and of making nominations for certain public offices; providing for the payment of the ex-

penses of the same; making certain violations thereof misdemeanors and prescribing penalties for the violation of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six (Pamphlet Laws, page 36), as amended by section one of an act approved the sixth day of April, A. D. 1911, which reads as follows:

*"SECTION 2. From and after the approval of this act one primary shall be held each year, in every election district of this Commonwealth in which nominations are to be made or delegates or party officers elected, as herein provided. The said primaries shall be held on the last Saturday of September in all odd numbered years and on the second Saturday of April in all even numbered years. The primary held on the last Saturday of September shall be known as the Fall primary, and the primary held on the second Saturday of April shall be known as the Spring primary.*

*Delegates to State and National conventions, except delegates-at-large to National conventions, which shall be elected by the State convention, shall be elected at the Spring primary, throughout the Commonwealth, by any party or body of electors one of whose candidates, at either the general or municipal election preceding, polled two per centum of the largest entire vote cast in the State for any candidate at the last general election. Candidates for all offices to be filled at the general election, with the exception of those nominated by National or State conventions, shall be nominated at the Spring primary. Candidates for all offices to be filled at the municipal election shall be nominated at the Fall primary, and such party officers as are provided for by the rules of the several political parties to be elected by vote of the party electors, shall be elected at the Spring primary, by any political party or body of electors one of whose candidates, at either the general or municipal election preceding such primary, polled two per centum of the largest entire vote cast, in the political district in*

which nominations are to be made or candidates elected, for any candidate at the last general election.

No delegates to State or National conventions, or officers of parties, shall be elected, or candidates for the public offices herein specified be nominated, in any other manner than as set forth in this act: Provided, that nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein specifically enumerated, in the manner provided by existing laws; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws.

*This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill vacancies; but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide,"* be amended to read as follows:

SECTION 2. Nominations may be made by any political party which at the general or municipal election next preceding polled at least two per centum of the largest entire vote for any office cast in the State, or in the political district or division thereof for which said party desires to make nominations in such manner not inconsistent with the provisions of this Act as such party may determine. The vote polled by any party shall be the largest vote polled by any candidate of such party who was not the candidate of any other party, or in case of no such candidate, then the straight party vote.

*A primary is any election held by a political party, as aforesaid, either for the election of delegates, or the nomination of candidates by direct vote of the party electors. Every such primary shall be conducted in accordance with the provisions of this act, except primaries held for the nomination of candidates to be voted for at special elections to fill vacancies.*

*Primaries shall be held at such times not later than the fourth Saturday in September, in each year as the party shall elect, Provided, That all of the primaries of one party throughout the State shall be held on the same day.*

SECTION 2. That section three of said act, as amended by section two of said Act of April 6, 1911, which reads as follows:

*“SECTION 3. On or before the ninth Saturday preceding the primary, the Secretary of the Commonwealth shall send to the county commissioners in each county a written notice, setting forth the number of Congressmen and officers of the Commonwealth, not nominated by State conventions, to be elected or voted for therein at the next succeeding general election.*

*On or before the same date in even numbered years the chairman of the State committee of each party shall send to the county commissioners a written notice, setting forth the number of delegates to be elected in such county to the State and National conventions of such party.*

*On or before the ninth Saturday preceding the Spring primary, the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all party offices to be filled by election at the ensuing primary.*

*On or before the ninth Saturday preceding the Fall primary, the chairman of the county committee of each party shall send to the county commissioners of such county a written notice setting forth the names of all county and city offices to be filled by the election at the ensuing primary.*

*Upon receipt of such notices, and beginning within one week thereafter, such county commissioners shall publish the number of delegates to be elected to the State and National conventions of each party, together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the*

*ensuing primary, at least once each week for three successive weeks, in two newspapers of general circulation published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties,"* be amended to read as follows:

**SECTION 3.** *Any party desiring to hold a primary in any county or division thereof shall, through the chairman of its county committee, on or before the ninth Saturday preceding the date of such primary, send written notice to the county commissioners of the date upon which it is proposed to hold such primary, together with a list of delegates and party officers to be elected and candidates to be nominated thereat.*

Upon receipt of such notices, and beginning within one week thereafter, *the county commissioners shall give notice of the date of such primary and of the delegates and party officers to be elected and candidates to be nominated thereat by publication at least once a week for three successive weeks in two newspapers of general circulation published within the county, whenever such course is possible.*

**SECTION 3.** That section five of said act, which reads as follows:

**“SECTION 5.** The names of candidates shall be printed upon the official ballot of a designated party, upon the filing of petitions, signed by qualified electors of the political district division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated.

The said petitions, in the case of candidates for Congress or for State offices, shall be filed, at least four weeks prior to the primary, with the Secretary of the Commonwealth; and in all other cases shall be filed, at least three weeks prior to the primary, with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. Candidates for nomination for members of Congress, Judges of the various courts, and State Senator, two hundred qualified electors.
2. Candidates for nomination for members of the State House of Representatives, and for offices to be voted for by the entire county, fifty qualified electors.
3. Candidates for nomination for all other offices, for delegates to State and National conventions, and for party offices, ten qualified electors," be amended to read as follows:

SECTION 5. The names of candidates shall be printed upon the official ballot of a designated party upon the filing of petitions signed by qualified electors of the political district *or* division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated *and accompanied by the signed consent of the candidate duly acknowledged in the manner provided for the acknowledgment of deeds, Provided, That after a petition has been filed to place the name of a candidate upon the ballot of any party, no petition shall be filed to place his name upon the ballot of any other party, unless he shall first withdraw as a candidate of such first party, or unless such petition shall be accompanied by the written consent of every party whose nomination he seeks, signified by the certificate of the chairmen of the respective party committees for the political district for which such nomination is to be made, that such committee consents thereto.*

The said petitions in the case of candidates for Congress, or for State offices, shall be filed at least four weeks prior to the primary with the Secretary of the Commonwealth, and in all other cases shall be filed at least three weeks prior to the primary with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. *Candidates for nomination for offices to be filled by voters of the State at large, five hundred qualified electors.*

2. Candidates for nomination for members of Congress, Judges of the various courts and State Senators two hundred qualified electors.

3. Candidates for nomination for members of the State House of Representatives and for offices to be voted for by the entire county, fifty qualified electors.

4. Candidates for nomination for all other offices, for delegates to conventions and for party offices, ten qualified electors.

*Any person for whom a petition has been filed as aforesaid may at any time up to ten days before the primary withdraw his name with the same effect as if such petition had never been filed, by filing in the office in which such petition was filed his written withdrawal duly acknowledged in the manner provided for the acknowledgment of deeds.*

SECTION 4. That section seven of said act which reads as follows:

“SECTION 7. The county commissioners shall prepare, and furnish to the election officers for use at the primaries, as many official ballots of *each party* as are equal to double the total number of votes cast for any candidate of said party, within the election district, at the last general election: Provided, That the county commissioners shall furnish such additional number of ballots, in any election district, as may be requested in writing by the chairman of the county committee of *any party*; such requests must be filed with the county commissioners two weeks before the primary.

The county commissioners shall also furnish one-fourth as many specimen ballots as the whole number of official ballots, to be printed on colored paper, and to be of the same size and form as the official ballot, for the use of the electors at the polls.

The official ballots shall be bound, in books of one hundred each, in the same manner as ballots at elections; and shall be delivered to the officers of election in the same manner as ballots are or hereafter may be required by law to be delivered to officers of election, for use at elections.

The county commissioners shall prepare, and furnish to the election officers, at the primaries, such ballot-boxes, properly numbered for each election district, list of voters, forms, blanks, return sheets, blank books and other supplies as they are, or hereafter may be, required to furnish, by law, to said officers for use at elections, and shall deliver them in the same manner as at elections. The said supplies shall have printed upon them appropriate instructions, and shall be in appropriate form for use at the primaries. They shall also provide for the opening of the polling places, for the compensation of the owners thereof, shall see that they are in proper order, and provided with voting-booths, as at elections," be amended to read as follows:

SECTION 7. The county commissioners shall prepare and furnish to the election officers, for use at the primaries, as many official ballots as are equal to double the total number of votes cast for any candidate *of the party holding the primary* within the election district at the last general election, Provided, That the county commissioners shall furnish such additional number of ballots in any election district as may be requested in writing by the chairman of the county committee of *such* party; such requests must be filed with the county commissioners two weeks before the primary.

The county commissioners shall also furnish one-fourth as many specimen ballots as the whole number of official ballots, to be printed on colored paper and to be of the same size and form as the official ballot, for the use of the electors at the polls.

The official ballots shall be bound in books of one hundred each in the same manner as ballots at elections, and shall be delivered to the officers of election in the same manner as ballots are, or hereafter may be required by law to be delivered to officers of election for use at elections.

The county commissioners shall prepare and furnish to the election officers at the primaries such ballot boxes, properly numbered for each election district, lists of voters, forms, blanks, return sheets, blank books and other supplies as they are or hereafter may be required to furnish by law to said officers for use at elections, and shall deliver them in the same manner as at elections. The said supplies shall have printed upon them appropriate instructions, and shall be in appropriate form for use at the primaries. They shall also provide for the opening of the polling places, for the compensation of the owners thereof, and shall see that they are in proper order and provided with voting booths as at elections.

SECTION 5. That section eight of said act which reads as follows:

*“SECTION 8. The primaries shall be conducted by the regular election boards, duly elected under existing laws, who shall receive one-half the compensation for their services that they receive at elections. Inspectors of elections shall have the right to appoint clerks to assist them, as at elections, who shall receive one-half the compensation that clerks receive for such services at elections. Vacancies on election boards shall be filled in the manner now provided by law. Before entering upon their duties the election officers and clerks shall be sworn, as is now required by law.*

The polls shall be open between the hours of two post meridian and eight post meridian: *Provided, That all persons licensed to sell liquors, either at wholesale or retail, or as bottlers, shall be compelled to keep their places of business closed, on said days for holding said primary elections, only between the hours of one o'clock post meridian and nine o'clock post meridian.*

Primaries shall be conducted in conformity with the laws governing the conduct of general elections, in so far as the same are not modified by the provisions of this act or are not inconsistent with its terms: But, provided, That no elector shall be permitted to receive any assistance in marking his ballot, unless he shall first make an affidavit that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot," be amended to read as follows:

SECTION 8. *Primaries shall be conducted by election officers appointed or elected by the party holding the primary, in the manner provided by the rules of such party. Before entering upon their duties such officers shall be sworn in the manner now required by law in the case of election officers at elections.*

The polls shall be open between the hours of two P. M. and eight P. M.

Primaries shall be conducted in conformity with the laws governing the conduct of general elections in so far as the same are not modified by the provisions of this act, or are not inconsistent with its terms, provided that no elector shall be permitted to receive any assistance in marking his ballot, unless he shall first make an affidavit that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot.

SECTION 6. That section nine of said act which reads as follows:

*"SECTION 9. The county commissioners shall keep an accurate account of the entire expense of holding such primaries, including the preparation and delivery of supplies, voting materials, et cetera, and the total amount shall be paid, in the first instance, by the county treasurer, upon the order of the county commissioners. As soon as convenient thereafter, the county commissioners shall prepare an itemized statement of the amount so paid, verified by oath, and send the same, accompanied by the receipted vouchers, to the Auditor-General, who, if he finds the same correct, shall draw a warrant on the State Treasurer, for the proper county, for the amount so approved, which shall be paid by the State Treasurer out of the money in the State Treasury not otherwise appropriated,"* be amended to read as follows:

*SECTION 9. Upon receipt of notice from any party of its intention to hold a primary, the county commissioners shall furnish to the chairman of the county committee of such party an estimate of the approximate cost of conducting such primary, which sum shall be deposited by the party with the county treasurer not less than two weeks prior to the date of such primary. The county commissioners shall keep an accurate account of the entire cost of holding such primary, including the preparation and delivery of supplies, voting materials, etc., and the total amount shall be paid in the first instance by the county treasurer, upon the order of the county commissioners. Within one week after the primary, the county commissioners shall prepare and send to the chairman of the county committee an itemized statement of the cost of conducting the primary, verified by oath and accompanied by the receipted vouchers. If the amount deposited by the party shall exceed such cost, the county commissioners shall send with such statement a warrant upon the county treasurer for such excess, and if the cost shall exceed the amount of the deposit, the party shall pay such difference to the county commissioners. If*

*any party shall fail to make such payment at least two weeks prior to the date of election, the county commissioners shall not print the names of the candidates of such party upon the ballot.*

SECTION 7. That section ten of said act as amended by section three of said Act of April 6, 1911, which reads as follows:

*“SECTION 10. The qualifications of electors entitled to vote at a primary shall be the same as the qualifications of electors entitled to vote at elections, within the election district where the primary is held. Each elector shall prove his qualifications and his identity in the same manner in which electors in the election district in which he offers to vote are, or hereafter may be, required by law to prove their qualifications or identity, on election day.*

*Each elector shall have the right to receive the ballot of the party for which he asks: Provided, That if he is challenged, he shall be required to make oath or affirmation that, at the last preceding election at which he voted, he voted for a majority of the candidates of the party for whose ballot he asks.*

*Upon executing such affidavit the voter shall be entitled to receive the ballot for which he has called, and to cast his vote according to law;” be amended to read as follows:*

SECTION 10. *The qualifications of electors at primaries shall be determined by the rules of the party holding the primary, and it shall be the duty of the chairman of the county committee of such party to furnish to the election officers before the opening of the polls a copy of the party rules, containing the qualifications of voters at primaries: Provided, That no person may vote at the primary of more than one party in the same year.*

SECTION 8. That section eleven of said act as amended by section four of said Act of April 6, 1911, which reads as follows:

"SECTION 11. The ballot-boxes, lists of voters (a copy of which shall be posted outside of the polling place), and other records shall be delivered into the custody of the officers who now are, or hereafter may be, required by law to keep similar records of election.

Upon the closing of the polls at such primary election, the election officers shall forthwith proceed to open the ballot-boxes and take therefrom the ballots, *and first count the number cast for each party, and make a record thereof*; and then count the vote cast for the different persons named upon said *party* ballots; and, when said count is finally completed, they shall certify, in due and proper form, to the number of votes cast for each person *upon the respective party tickets*. They shall then replace the ballots, counted and canvassed, in the boxes, and lock the same. They shall then place the returns of votes *and the register of voters, aforesaid, for each party*, in separate envelopes, and seal the same; which said envelopes shall, on or before noon of the *Tuesday* following, be deposited by the judge of election in person, or by registered mail, with the county commissioners, who shall on the succeeding day, at noon, publicly commence the computation and canvassing of the returns, and continue the same from day to day until completed; and for that purpose to have the right to petition the court of common pleas for the use of its processes to enforce the provisions of this act in relation to the returns of the election officers.

Upon the sworn petition of ten qualified electors of any county setting forth any specific act of fraud which upon information they consider reliable they believe has been committed in any election district of said county, the court of common pleas of said county shall order the county commissioners to open the ballot-box of such district and recount the votes, such recount to be conducted in such manner and under such conditions as the court shall prescribe. Any person aggrieved by any decision of the county com-

missioners relative to the counting of the votes may appeal therefrom to the court of common pleas of the proper county, whose duty it shall be to hear said appeal, and to make such decree as right and justice shall require: Provided, however, That in case of a contest of delegates to a *State* convention, such contests shall be determined by the *State convention*, according to the rules of their respective parties. Contests of primaries shall be originated and conducted as in the case of elections.

The county commissioners shall make the proper certification of returns of votes cast for the candidates for nomination for members of Congress or for State offices to the Secretary of the Commonwealth, who shall tabulate the same, and shall certify to the county commissioners the result of the computation of the vote for such offices, at least *twenty* (20) days prior to the election," be amended to read as follows:

SECTION 11. The ballot-boxes, lists of voters (a copy of which shall be posted outside of the polling place), and other records shall be delivered into the custody of the officers who now are, or hereafter may be required by law to keep similar records of election.

Upon the closing of the polls at such primary election, the election officers shall forthwith proceed to open the ballot-boxes and take therefrom the ballots and then count the vote cast for the different persons named upon said ballots, and when said count is finally completed, they shall certify in due and proper form to the number of votes cast for each person. They shall then replace the ballots counted and canvassed in the boxes and lock the same. They shall then place the returns of votes aforesaid in an envelope and seal the same, which said envelope shall, on or before noon of the *day* following be deposited by the judge of election in person, or by registered mail, with the county commissioners, who shall on the succeeding day, at noon, publicly

commence the computation and canvassing of the returns, and continue the same from day to day until completed, and for that purpose shall have the right to petition the court of common pleas for the use of its processes to enforce the provisions of this act in relation to the returns of the election officers.

Upon the sworn petition of ten electors of any county setting forth any specific act of fraud which upon information which they consider reliable they believe has been committed in any election district of said county the court of common pleas of said county shall order the county commissioners to open the ballot-box of such district and recount the votes, such recount to be conducted in such manner and under such conditions as the court shall prescribe. Any person aggrieved by any decision of the county commissioners relative to the counting of the votes, may appeal therefrom to the court of common pleas of the proper county, whose duty it shall be to hear such appeal and make such decree as right and justice shall require; Provided, however, That in case of a contest of delegates to a convention, such contest shall be determined according to the rules of the party. Contests of primaries shall be originated and conducted as in the case of elections.

The county commissioners shall make the proper certification of returns of votes cast for the candidates for nomination for members of Congress, or for State offices to the Secretary of the Commonwealth, who shall tabulate the same, and shall certify to the county commissioners the result of the computation of the vote for such offices at least *fourteen* days prior to the election.

SECTION 9. That section twelve of said act as amended by section one of an act approved the twenty-second day of May, Anno Domini one thousand nine hundred and seven (Pamphlet Laws, page 199), which reads as follows:

*"SECTION 12. Candidates for offices of the Commonwealth, to be voted for by electors of the State-at-large, shall be nominated by the State conventions, for which delegates are elected in accordance with the terms of this act. The delegates who receive a plurality of the vote of party electors at the Spring primary shall be the duly elected delegates to the respective State and National conventions.*

Candidates for nomination, *as provided herein*, who receive a plurality of votes of any party at a primary meeting, shall be the candidates of that party, and it shall be the duty of the proper officers to print their names upon the official ballots, for use at the election, as is now or hereafter may be required by law.

Candidates for party offices, who receive a plurality of the votes cast for such candidates, shall be the party officers of such party.

In case of a tie, the candidates receiving the tie vote shall cast lots before the county commissioners or the Secretary of the Commonwealth, as the case may be, and the one to whom the lot shall fall shall be entitled to the nomination or election.

Vacancies happening or existing after the date of the primary may be filled in accordance with the party rules, as is now or hereafter may be provided by law," be amended to read as follows:

*SECTION 12. Candidates for nomination who receive a plurality of votes of any party at a primary shall be the candidates of that party, and it shall be the duty of the proper officers to print their names upon the official ballots for use at the election as is now, or hereafter may be required by law. Nominations made otherwise than by primary shall be certified in the manner now provided by law.*

*Candidates for delegates who receive a plurality of the votes cast for such delegates shall be the duly elected delegates of such party.*

Candidates for party offices who receive a plurality of the votes cast for such candidates shall be the party officers of such party.

In case of a tie, the candidates receiving the tie vote shall cast lots before the county commissioners or the Secretary of the Commonwealth, as the case may be, and the one to whom the lot shall fall shall be entitled to the nomination or election.

Vacancies happening or existing after the date of the primary may be filled in accordance with the party rules as is now, or hereafter may be provided by law.

**SECTION 10.** That section thirteen of said act which reads as follows:

“**SECTION 13.** Each candidate shall be entitled to have two watchers at the primaries, as at elections, only one of whom shall be entitled to be within the polling-room at one time. Their rights, duties and methods of appointment shall be as at elections. Each *party or* candidate may, at any time before the primary, present a petition to the court of common pleas of the proper county, setting forth the fact that it or he has reason to believe that in a certain district or districts frauds or unfair methods may be attempted; and if, upon a consideration of the facts presented in said petition, the court shall be of the opinion that said application is made in good faith, the said court shall appoint an overseer for said petitioner or petitioners, who shall be entitled to remain within the polling-place during the casting and the counting of the ballots,” be amended to read as follows:

**SECTION 13.** Each candidate shall be entitled to have two watchers at the primaries as at elections, only one of whom shall be entitled to be within the polling room at one time. Their rights, duties and methods of appointment shall be as at elections. Each candidate may at any time before the primary present a petition to the court of com-

mon pleas for the proper county, setting forth the fact that he has reason to believe that in a certain district or districts fraud or unfair methods may be attempted, and if upon a consideration of the facts presented in said petition the court shall be of the opinion that said application is made in good faith, the court shall appoint an overseer for said petitioner or petitioners, who shall be entitled to remain within the polling place during the casting and counting of the ballots.

SECTION 11. That section fourteen of said act which reads as follows:

“SECTION 14. Any person who votes or attempts to vote at a primary, knowing that he does not possess the qualifications of a voter at such primary, *as indicated by this act*, or who shall vote or attempt to vote *more than once at a primary*, or who shall have unlawfully in his possession an official ballot, outside the polling place, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo an imprisonment not exceeding two years, or both, in the discretion of the court. No police officer in commission, whether in uniform or in citizen’s clothes, shall be within one hundred feet of a polling place during the conduct of a primary election, unless in the exercise of his privilege of voting, or for the purpose of the serving of warrants or the preserving of the peace.

Any election officer who permits a person to vote at any primary, with the knowledge that such person is not so entitled to vote, or refuses to permit any lawfully entitled elector to vote at such primary, with the knowledge that such person is so entitled to vote, or who refuses to permit him to receive the party ballot for which he asks, after having executed the affidavit herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to un-

dergo an imprisonment not exceeding five years, or both, in the discretion of the court.

Any election officer or clerk who shall be guilty of any wilful fraud in the conduct of his duties at a primary, or who shall make a false return of the votes cast at such primary, or who shall deposit fraudulent ballots in the ballot-box, or who shall certify as correct a return of ballots in the ballot-box which he knows to have been fraudulently deposited therein, or who shall write false names in the lists of voters for the purpose of concealing the deposit of such fraudulent ballots or of aiding in the perpetration of such fraud, or who shall conspire with others to commit any of the offenses herein mentioned, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars or to undergo imprisonment not exceeding five years, or both, in the discretion of the court.

Except as modified by the terms of this act, election officers shall be subject to the same pains and penalties for violations or neglect of their duties at a primary as they are or hereafter may be subject to for violation or neglect of such duties at elections. In all other respects, officers officiating at primaries shall be subject to the pains and penalties provided by law for offenses committed at primaries. The existing laws relating to bribery at primaries shall continue in force, and shall apply to bribery at primaries as provided by this act," be amended to read as follows:

SECTION 14. Any person who votes, or attempts to vote at a primary, knowing that he does not possess the qualifications of a voter at such primary, *as determined by the party rules*, or who shall vote, or attempt to vote at *the primary of more than one party in the same year*, or who shall have unlawfully in his possession an official ballot outside the polling place, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not

exceeding one thousand dollars, or to undergo an imprisonment not exceeding two years, or both, in the discretion of the court. No police officer in commission, whether in uniform or in citizen's clothes shall be within one hundred feet of a polling place during the conduct of a primary election, unless in the exercise of his privilege of voting, or for the purpose of the serving of warrants, or the preserving of the peace.

Any election officer who permits a person to vote at any primary, with the knowledge that such person is not so entitled to vote, or refuses to permit any lawfully entitled elector to vote at such primary, with the knowledge that such person is so entitled to vote, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court.

Any election officer or clerk who shall be guilty of any wilful fraud in the conduct of his duties at a primary, or who shall make a false return of the votes cast at such primary, or who shall deposit fraudulent ballots in the ballot box, or who shall certify as correct a return of ballots in the ballot box which he knows to have been fraudulently deposited therein, or who shall write false names on the lists of voters, for the purpose of concealing the deposit of such fraudulent ballots, or of aiding in the perpetration of such fraud, or who shall conspire with others to commit any of the offences herein mentioned, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding five years, or both, in the discretion of the court.

Except as modified by the terms of this act, the election officers shall be subject to the same pains and penalties for violation or neglect of their duties at a primary, as they are, or hereafter may be subject to for violation or neglect

of such duties at elections. In all other respects, officers officiating at primaries shall be subject to the pains and penalties provided by law for offences committed at primaries. The existing laws relating to bribery at primaries shall continue in force, and shall apply to bribery at primaries as provided by this act.

## EXHIBIT M

### NOMINATION OF JUDGES OF SUPREME AND SUPERIOR COURT

*Purpose: To remedy an evident oversight in the Uniform Primary Law so as to provide a method for nomination of Judges of the Supreme and Superior Courts when voted for at municipal elections.*

#### AN ACT

To provide for the election at Fall primaries of delegates to State conventions for the purpose of nominating candidates for the office of Judge of the Supreme and Superior Courts when such office is to be filled at a municipal election.

WHEREAS, it is provided by Article eight, Section three of the Constitution of the Commonwealth of Pennsylvania that all Judges elected by the electors of the State at large may be elected at either a general or municipal election as circumstances may require, and

WHEREAS, it is provided by the section two of the Act of February 17th, 1906 (P. L. 36), as amended by the Section one of the Act of April 6th, 1911 (P. L. 43), that candidates for all offices to be filled at the municipal election shall be nominated at the Fall Primary, and

WHEREAS, it is provided by Section twelve of said Act of February 17th, 1906, as amended by Section one of the Act of May 22d, 1907 (P. L. 199), that candidates for offices of the Commonwealth to be voted for by electors of the State at large shall be nominated by State Conventions, and

WHEREAS, there is no provision under existing laws for the election of delegates to State Conventions for the

nomination of candidates for offices to be filled at municipal elections; therefore

SECTION 1. *Be it enacted, etc.*, that whenever a Judge of the Supreme or Superior Courts is to be elected at a municipal election any party or body of electors one of whose candidates at either the general or municipal election preceding polled two per centum of the largest entire vote cast in the State for any candidate at the last general election may at the Fall Primary preceding such municipal election elect delegates to a State Convention to be held for the purpose of nominating candidates for the office of Judge of the Supreme or Superior Courts to be voted for at said municipal election. The said election of delegates shall be conducted in accordance with existing laws regulating the election of delegates to other State Conventions except as herein modified.

SECTION 2. Conventions composed of delegates elected in accordance with the provisions of this Act may nominate candidates for the office of Judge of the Supreme and Superior Courts to be filled at the succeeding municipal election in the manner provided by existing laws for the nomination of candidates by State Conventions.

SECTION 3. Certificates of nomination by such conventions shall be filed with the Secretary of the Commonwealth at least twenty-one days before the date of such election, and when so filed shall be deemed valid unless objections thereto are duly made as now provided by law at least eighteen days before the date of election.

SECTION 4. All Acts or parts of Acts inconsistent herewith are hereby repealed.

## EXHIBIT N

### PRE-EMPTION OF PARTY NAMES

*Amendment to Act of 1897, P. L., 223.*

*Codification, Section 117.*

*Purpose: To discourage the unreasonable multiplication of parties.*

#### AN ACT

To amend an Act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such election," approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-three by changing the method of pre-empting the use of party names.

SECTION 1. *Be it enacted, etc.*, That section three of an Act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offences in regard to such elections," approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-three as amended by Section one of an Act approved the ninth day of July, Anno Domini one thousand eight hundred and ninety-seven, which reads as follows:

"SECTION 3. Nominations of candidates for any public office may also be made by Nomination Papers, signed by qualified electors of the State, or of the electoral district or division thereof for which the nomination is made, and filed in the proper office as provided in section five of this act. Blank forms for making such nomination shall be furnished by the Secretary of the Commonwealth, and no other form than the ones so prescribed shall be used for such purpose. Where the nomination is for any office to be filled by the

voters of the State-at-large, the number of qualified electors of the State signing such Nomination Paper, shall be at least one-half of one per centum of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for. In the case of all other nominations the number of qualified electors of the electoral district or division, signing such Nomination Paper, shall be at least two per centum of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said Nomination Papers are designed to be made. Each elector signing a Nomination Paper shall add to his signature his place of residence and occupation, and no person may subscribe to more than one nomination for each office to be filled. The signatures to each Nomination Paper and the qualification of the signers shall be vouched for by the affidavit of at least five of the signers thereof, which affidavit shall accompany the nomination paper; Provided, *That if five of the electors composing any political body making a nomination by Nomination Papers shall file with the prothonotary of the county in which the Nomination Paper or papers are to be filed an affidavit setting forth that they have adopted a certain political appellation to designate their policy, subject to the limitations of this act regarding the selection of names, that thereafter such political body shall have the exclusive right to use the said name or appellation for the election for which such nomination or nominations are made, provided that a certificate from the prothonotary setting forth such a compliance with the act be filed with the Nomination Papers filed by such political body,"* be amended so as to read as follows:

SECTION 3. Nominations of candidates for any public office *other than candidates of political parties for offices for which nominations are regulated by the "Uniform Primaries Act"* may also be made by nomination papers, signed

by qualified electors of the State, or of the electoral district or division thereof for which the nomination is made and filed in the proper office as provided in section five of this act. Blank forms for making such nomination shall be furnished by the Secretary of the Commonwealth, and no other form than the ones so prescribed shall be used for such purpose. Where the nomination is for any office to be filled by the voters of the State-at-large, the number of qualified electors of the State signing such nomination paper, shall be at least one-half of one per centum of the largest vote for any officer elected in the State at the last preceding election at which a State officer was voted for. In the case of all other nominations the number of qualified electors of the electoral district or division, signing such nomination paper, shall be at least two per centum of the largest entire vote for any officer elected at the last preceding election in the said electoral district or division for which said nomination papers are designed to be made. Each elector signing a nomination paper shall add to his signature his place of residence and occupation, and no person may subscribe to more than one nomination for each office to be filled. The signature to each nomination paper and the qualification of the signers shall be vouched for by the affidavit of at least five of the signers thereof, which affidavit shall accompany the nomination paper; Provided, *That if any body of electors making such nominations shall desire to adopt a certain political name or appellation to designate their policy they shall present a petition to the Court of Common Pleas of Dauphin County setting forth the name or appellation which they desire to adopt and the electoral district or division in which they desire to use said name. Said petition shall be signed by qualified electors of the electoral division or district in which it is desired to use said name to the number of not less than two per centum of the largest vote cast in such electoral division or district for any office at the last election at which an officer was voted*

for by the electors at large of said division or district, and shall be supported by an affidavit of not less than five of the signers that the averments of the petition are true and that the signers are all qualified electors of said district or division. Each elector signing such petition shall state after his signature his occupation and place of residence, and no elector shall sign more than one such petition for the same electoral district or division. The Court shall thereupon, after such notice by advertisement or otherwise as the Court may direct, hear said petition, and unless cause be shown to the contrary shall make an order granting to the said body of electors the exclusive right to use said name or appellation in such electoral district or division for the election for which such nomination or nominations are made, Provided that a certified copy of such order shall be filed with the nomination papers. No body of electors nominating by nomination papers shall be entitled to have any political name or appellation printed upon the official ballot unless it shall have complied with the provisions of this act.

## EXHIBIT O

### SEPARATE BALLOT LAW

*Amendments to Act of 1893, P. L. 419, and Act of 1903, P. L.*  
340.

*Codification, Sections 128 to 138 and 183 to 216.*

*Purposes: To shorten and simplify the ballot, and the method of counting and computing the returns.*

#### AN ACT

To amend an act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," approved the tenth day of June, one thousand eight hundred and ninety-three, by changing the form of ballot, the method of obtaining assistance and the method of counting and returning the votes.

SECTION 1. *Be it enacted, etc.*, That section fourteen of an act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties; and punishing certain offenses in regard to such elections," approved the tenth day of June, one thousand eight hundred and ninety-three, as amended by section two of an act approved the twenty-ninth day of April, one thousand nine hundred and three, which reads as follows:

"SECTION 14. When Presidential electors are to be voted for, the names of candidates for Presidential electors shall be arranged in party groups, as presented in the several certificates of party nomination and nomination papers, and the groups shall be printed upon the ballot in order of the vote obtained in the State, at the last Presidential election, by the parties nominating, beginning with the party which obtained the highest vote: Provided, That in the

case of political parties not represented on the ballot in the last Presidential election, the order of arrangement shall be alphabetically.

At the head of each group of candidates shall be printed the appropriate party name or political appellation, together with the surnames of the candidates of such party for President and Vice President, underneath which shall be printed the names of the appropriate candidates for Presidential electors.

*At the right of the space containing the surnames of the candidates for President and Vice President, and their party name or political appellation, there shall be a square, of sufficient size for the convenient insertion of a cross-mark (X), and at the right of the name of each candidate for Presidential elector, there shall be a similar, but smaller, square.*

The names of candidates for all other offices, shall, in all cases, be arranged under the title of the office for which they are candidates, and be printed in the order of the votes obtained for the head of the respective tickets of the parties or bodies nominating at the last Presidential election, beginning with the party obtaining the highest vote: Provided, That in the case of parties not represented on the ballot at the last Presidential election, the name of the nominees of such parties shall be arranged alphabetically, according to the party name or political appellation. At the right of the name of each nominee, or candidate, shall be printed the name or appellation of the political party presenting or nominating him and at the right of such party name, or political appellation, there shall be a square of sufficient size for the convenient insertion of a cross mark.

*Whenever any candidate shall receive more than one nomination for the same office, his name shall be printed once, and the names of each political party, so nominating him, shall be printed to the right of the name of such candidate, arranged in the same order as candidates names are*

*grouped, that is to say, in the order of the votes obtained by such party at the last preceding Presidential election, beginning with the party obtaining the highest vote. If such candidate shall be nominated by any political party not represented on the ballot in the last Presidential election, the name of such parties shall follow the other names, and be arranged alphabetically, according to the party name or appellation. At the right of every party name, or political appellation, shall be a square, of sufficient size for the convenient insertion of a cross-mark.*

There shall be left, at the end of the groups of candidates for Presidential electors, and of the list of candidates for each different office (or under the title of the office itself for which an election is to be held, in case there be no candidates legally nominated therefor), as many blank spaces as there are persons to be voted for, for such office, in which space the voter may insert the name of any person whose name is not printed on the ballot as a candidate for such office, and such insertion shall count as a vote, without the cross-mark *as hereinafter mentioned.*

Whenever the approval of a constitutional amendment, or other question, is submitted to the vote of the people, such question shall be printed upon the ballot in brief form, and followed by the words "yes" and "no," and if such question be submitted at an election of public officers, it shall be printed after the list of candidates.

*The ballot shall be so printed as to give to each voter a clear opportunity to designate his choice of candidates by a cross-mark (X), in a square of sufficient size, at the right of the name of each candidate, and inside the line enclosing the column, and, in like manner, answers to questions submitted by similar marks, in squares at the right of the words "yes" and "no." And on the ballot may be printed instructions how to mark, and such words as will aid the voter to do this, as "mark one," "mark two," and the like.*

*Provided, That a voter may designate his choice of an entire group of candidates for Presidential electors by one cross mark (X) in a large square, which shall be placed at the right of the names of the candidates for President and Vice President, at the head of such group, and such mark shall be equivalent to a mark against every name in the group.*

*Provided further, That each voter may have the opportunity of designating his choice for all the candidates, as nominated by one political party, there shall be printed on the extreme left of the ballot, and separated from the rest of the ballot by a space of at least one half inch, a list of the names of all the political parties or groups of nominees, represented on such ballot and presenting candidates to be voted for at such election. Such names shall be arranged in the order of the votes obtained, at the last Presidential election, by the candidate at the head of the respective tickets of the parties or bodies nominating beginning with the party that received the highest vote cast. Following the names of such political parties, shall be the names of the parties or principles not presented on the ballot at the last Presidential election, arranged alphabetically, according to the party name or political appellation. A square, of sufficient size for the convenient insertion of a cross-mark, shall be placed at the right of each party name or appellation. Every mark within such square shall be equivalent to a mark against every name designated by that political appellation, or party name, including candidates nominated by more than one party, or group of citizens.*

At the head of every ballot shall be printed the following instructions :

To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice, *in the first column*. A cross-mark in the square opposite the name of any candidate, indicates a vote for that candidate," be amended so as to read as follows:—

SECTION 14. When Presidential electors are to be voted for the names of the candidates for Presidential Electors *shall be printed upon a separate ballot to be designated as the "Presidential Ballot."* The names shall be arranged in party groups, as presented in the several certificates of party nomination and nomination papers and the groups shall be printed upon the ballot in order of the vote obtained in the State, at the last Presidential election, by the parties nominating, beginning with the party which obtained the highest vote: Provided, That in the case of political parties not represented on the ballot in the last Presidential election, the order of arrangement shall be alphabetically.

At the head of each group of candidates shall be printed the appropriate party name or political appellation, together with the surnames of the candidates of such party for President and Vice President, underneath which shall be printed the names of the appropriate candidates, for Presidential electors, *and at the right of the name of each candidate for Presidential elector there shall be a square of sufficient size for the convenient insertion of a cross-mark (X).*

At the right of the space containing the surnames of the candidates for President and Vice-President, and their party name or political appellation, there shall be a *similar but larger square.* *Every mark within such square shall be equivalent to a mark against each candidate for Presidential elector in the group.*

*At general Elections the names of candidates for all offices to be voted for other than Presidential Electors shall be printed upon a single ballot to be designated as the "State Ballot". At Municipal Elections the names of all the candidates to be voted for shall be printed upon a single ballot to be designated as the "Municipal Ballot," except that when Judges of the Supreme or Superior Courts are to be voted for at a Municipal Election a separate State Ballot shall be provided for that purpose. The names shall*

in every case be arranged under the title of the office in the order of the votes obtained for the head of the respective tickets of the parties or bodies nominating at the last Presidential election, beginning with the party obtaining the highest vote; Provided, That in the case of parties not represented on the ballot at the last Presidential election, the name of the nominees of such parties shall be arranged alphabetically, according to the party name or political appellation. At the right of the name of each nominee or candidate, *and on the same line, shall be printed the initial letters* of the name or appellation of *each* political party presenting or nominating him, *arranged in the above order*, and at the right of such party *names* or political *appellations* there shall be a *single* square of sufficient size for the convenient insertion of a cross-mark. On the extreme left of the ballot and separated from the rest of the ballot by a space of at least one half inch, there shall be printed a list of the names of all political parties represented on such ballot and presenting candidates to be voted for at such election *which at the preceding election polled not less than two per centum of the highest vote for any office cast in the political district for which such ballot is to be used*. Such names shall be arranged in the order of the votes obtained, at the last Presidential election, by the candidates at the head of the respective tickets of the parties or bodies nominating, beginning with the party that received the highest vote cast, *Provided that in the case of parties not represented on the ballot at the last Presidential election, the names shall be arranged alphabetically according to the party name*. A square of sufficient size for the convenient insertion of a cross-mark, shall be placed at the right of each party name. Every mark within such square shall be equivalent to a mark against every name designated by that party name, including candidates nominated by more than one party.

At the head of every ballot shall be printed the following instructions:

To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice. A cross-mark in the square opposite the name of any candidate, indicates a vote for that candidate. And on the ballot may be printed instructions how to mark and such words as will aid the voter to do this, as "mark one" "mark two" and the like.

There shall be left, at the end of the groups of candidates for Presidential electors, and of the list of candidates for each different office (or under the title of the office itself for which an election is to be held, in case there be no candidates legally nominated therefor) as many blank spaces as there are persons to be voted for, for such office, in which space the voter may insert the name of any person whose name is not printed on the ballot as a candidate for such office, and such insertion shall count as a vote, without a cross-mark.

Whenever the approval of a constitutional amendment, or other question is submitted to the vote of the people, such question shall be printed upon *a separate ballot to be designated as the "Referendum Ballot."* *The question shall be stated in brief form followed by the words, "yes" and "no" and at the right of each of said words there shall be a square of sufficient size for the convenient insertion of a cross-mark (X).*

SECTION 3. That section fifteen of said Act which reads as follows:

"SECTION 15. All the ballots used at the same voting place at any election shall be alike, and shall be at least six inches long and four inches wide. They shall be printed with the same kind or kinds of type (which shall not be smaller than the size known as "brevier" or "eight point body"), *upon white paper* without any impression or mark

to distinguish one from another, and of sufficient thickness to prevent the printed matter from showing through. Each ballot shall be attached to a stub or counterfoil, and all the ballots for the same voting place shall be bound together in convenient numbers in books in such manner that each ballot may be detached and removed separately.

*A diagonal folding line shall be printed on the right hand upper corner of the back of each ballot, and the said corner shall be edged with adhesive paste so that the corner when folded at the folding line can be securely fastened down over the number now required by the Constitution of this Commonwealth, so that the said number cannot be seen without unfastening or cutting open the part so fastened down. The top of each ballot shall have a margin of equal size on both back and face, and the said folding-line shall be upon this margin and the space between the folding-line and the paste shall be filled in with solid printing, and nothing else shall be printed on the margin except instructions how to mark: Provided, That if at any time the said Constitution shall cease to require ballots to be numbered, the foregoing requirements as to the folding-line, the margin and the adhesive paste shall be void.*

On the back of each ballot, or on the right hand side of the back, if the ballot is printed in two columns, there shall be printed as a caption, "*official ballot for*," followed by the designation of the voting place for which the ballot is prepared the date of the election and a facsimile of the signatures of the county commissioners of the respective counties who have caused the ballots to be printed. A record of the number of ballots printed and furnished to each voting place, shall be kept and preserved by the county commissioners of the several counties. When it is shown by affidavit that mistake or omission has occurred in the publication of names or description of candidates, or in the printing of the ballots, the court of common pleas of the district or county or any judge thereof, may upon the application of any quali-

fied elector of the district or county require the county commissioners to correct the mistake or omission, or to show cause why they should not," be amended so as to read as follows:

SECTION 15. *Presidential and Municipal ballots shall be printed upon white paper, State ballots upon Yellow paper and Referendum Ballots upon Pink paper.* All of the ballots of the same kind at the same voting place shall be alike and shall be at least six inches long and four inches wide. They shall be printed with the same kind or kinds of type, (which shall not be smaller than the size known as "brevier" or "eight point body,") without any impression or mark to distinguish one from another and *upon paper* of sufficient thickness to prevent the printed matter from showing through. Each ballot shall be attached to a stub or counterfoil and all the ballots of the same kind shall be bound together in convenient numbers in books in such manner that each ballot may be detached and removed separately.

On the back of each ballot, or on the right-hand side of the back, if the ballot is printed in two columns, there shall be printed as a caption, the words *Official Presidential, State, Municipal or Referendum Ballot, as the case may be*, followed by the designation of the voting place for which the ballot is prepared, the date of the election and a facsimile of the signatures of the county commissioners of the respective counties who have caused the ballots to be printed. A record of the number of ballots printed and furnished to each voting place shall be kept and preserved by the county commissioners of the several counties. When it is shown by affidavit that mistake or omission has occurred in the publication of names or description of candidates, or in the printing of the ballots, the court of common pleas of the district or county, or any judge thereof, may upon the application of any qualified elector of the district or county require the county commissioners to correct the mistake or omission, or to show cause why they should not.

SECTION 4. That section twenty-six of said act, which reads as follows:

*"SECTION 26. If any voter declares to the judge of election that by reason of any disability he desires assistance in the preparation of his ballot, he shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment,"* be amended so as to read as follows:

*SECTION 26. If any voter shall make an affidavit that he cannot read the names upon the ballot, or that by reason of physical disability he is unable to make his ballot, he shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment.*

SECTION 5. That section twenty-seven of said act as amended by section four of said act, approved April twenty-ninth, one thousand nine hundred and three, which reads as follows:

*"SECTION 27. If a voter has marked his ballot otherwise than as directed by this act, so that for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office; but the ballot shall be counted for all other offices for which the names of candidates have been properly marked.*

No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not marked, or improperly or defectively marked, shall be endorsed as defective, but shall be preserved with the other ballots. If any ballot appears to have been obtained other-

wise than as provided in this act, the judge of election shall transmit such ballot to the district attorney, without delay, together with whatever information he may have tending to the detection of the person who deposited the same," be amended so as to read as follows:

SECTION 27. If a voter has marked his ballot otherwise than as directed by this act, so that for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office; but the ballot shall be counted for all other offices for which the names of candidates have been properly marked; *Provided, That if a voter shall make a cross (X) in a party square, and also in the square opposite the name of any candidate or candidates for any office, or shall also write the name of any such candidate in the blank spaces provided for that purpose, his ballot shall be counted as a vote for such candidate for that office, and as a straight party vote for all other offices.*

No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not marked or improperly or defectively marked, shall be endorsed as defective, *and enclosed in a separate envelope, endorsed "defective ballots" together with the total number of such ballots, and returned by the Judge of election to the prothonotary of the Court of Common Pleas.* If any ballot appears to have been obtained otherwise than as provided in this act, the judge of elections shall transmit such ballot to the district attorney, without delay, together with whatever information he may have tending to the detection of the person who deposited the same.

SECTION 6. That section twenty-eight of said act as amended by section five of said act, approved April twenty-ninth, one thousand nine hundred and three, which reads as follows:

“SECTION 28. After the polls are closed, the election officers only shall remain in the voting-room within the guard rail, and shall there at once proceed to count the votes. Such counting shall not be adjourned or postponed until it shall have been fully completed. A record shall first be made of the number of the last ballot cast; the officers in charge of the voting check-list shall, in the presence of the other officers and watchers, count in a distinct and audible voice the names checked on the said list, and announce the whole number thereof; and the list of voters, the stubs of ballots used, and all unused ballots, shall then be sealed up, as required by section *twenty-five* of this act. The ballot-box shall then be opened by the inspectors, the ballots taken therefrom, and audibly counted, one by one, by them, and when the count is completed the whole number of ballots cast shall be announced; *and the counting of the number of votes received by each person voted for shall then proceed. The judge in the presence of the inspectors, shall read aloud the name or names marked or inserted upon each ballot, together with the party name, or political appellation, under which each vote was cast, and the answers marked thereon to the questions submitted, if any, and the clerks shall each carefully enter each vote as read, and keep account of the same in tally-papers prepared for the purpose.* It shall be unlawful for either judge or inspectors while counting the ballots or the votes thereon, to have in his hand any pen, pencil or stamp for marking ballots.

All ballots, after being removed from the box, shall be kept within the unobstructed view of those present in the voting-room, so that they may be able to see all the marks on each ballot, but out of their reach, until they are placed in the ballot box as required by law. A full return shall be made in the manner now provided by law, of all votes cast; *and such returns, as well as those made by the judges of the courts, shall state in every case the number of votes*

*cast for each candidate by each political party or body of which such candidate is a nominee, as the same shall appear upon the ballots cast. The total vote, as soon as counted, shall be publicly announced.*

It shall be the duty of the police officers, constables, and deputy constables, now required by law to be present at the polls, to remain in the voting room, but outside of the guard-rail, while the votes are being counted, and preserve order therein. No person, except the said peace officers, when necessary for the preservation of the peace, or persons acting by their authority, shall enter into the space within the guard-rail or converse with any election officer in any way after the polls are closed and until the counting of the votes has been computed," be amended so as to read as follows:

SECTION 28. After the polls are closed, the election officers only shall remain in the voting room, within the guard rail, and shall there at once proceed to count the votes. Such counting shall not be adjourned or postponed until it shall have been fully completed. A record shall first be made of the number of the last ballot cast. The officers in charge of the voting check list shall in the presence of the other officers and watchers count in a distinct and audible voice the names checked on the said list and announce the whole number thereof, and the list of voters, the stubs of ballots used and all unused ballots shall then be sealed up as required by section *twenty-four* of this act. The ballot box shall then be opened by the inspectors, and the ballots taken therefrom *and the Presidential, State, Municipal and Referendum ballots separated*, and audibly counted, one by one by them, and when the count is completed, the whole number of *each kind* of ballots cast shall be announced. *The straight party ballots shall then be separated from the split ballots and the straight party ballots cast for each party shall be counted and a memorandum*

*thereof made upon the tally sheet and the proper number of votes entered opposite the name of each candidate. The split ballots shall then be counted, one by one, and the proper entries of votes cast made upon the tally sheets. In case of any question submitted to vote, the judge, after the count of votes cast for candidates shall have been completed, shall go over the Referendum ballots one by one and read aloud the answers marked thereon to each of the questions submitted, and the clerks shall carefully enter each answer as read in the tally papers. It shall be unlawful for either judge or inspectors while counting the ballots or the votes thereon, to have in his hand any pen, pencil, or stamp for marking ballots.*

All ballots, after being removed from the box shall be kept within the unobstructed view of those present in the voting room, so that they may be able to see all the marks on each ballot, but out of their reach until they are placed in the ballot box, as required by law. A full return shall be made in the manner now provided by law, of all votes cast.

It shall be the duty of the police officers, constables and deputy constables now required by law, to be present at the polls to remain in the voting room, but outside of the guard rail, while the votes are being counted, and preserve order therein. No person except the said peace officers when necessary for the preservation of the peace, or persons acting by their authority, shall enter into the space within the guard rail or converse with any election officers in any way after the polls are closed, and until the counting of the votes has been completed.

## EXHIBIT P

### DETERMINATION OF PARTY STATUS

*Purpose: This Act prescribes the method of determining the vote cast by any party. It is made necessary by the change in the ballot provided in Exhibit O.*

#### AN ACT

Defining the method of determining the vote cast by any political party and prescribing the method of making the return of such vote.

*Be it enacted, etc.,* That where under any existing or future law the status of a political party is made to depend for any purpose upon the vote polled by such party, such vote shall be taken as the highest vote polled for any candidate of such party who is not also a candidate of any other party; or in case of no such candidate, then as the vote polled in the party square of such party, and for this purpose the judges of election and the judges of the courts in making up their returns shall state separately the votes polled by each party in the party square.

## EXHIBIT Q

### ENVELOPE BALLOT LAW

*Amendments to Act of 1893, P. L. 419 and Act of 1903, P. L. 340.*

*Codification, Sections 128 to 138 and 183 to 216.*

*Purpose: To provide a method whereby the voter may secure and mark his ballot before going to the polls; to simplify the ballot, and the method of counting.*

#### AN ACT

To amend an act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-three, by changing the form of the ballot, the method of distributing the ballots to the electors, the method of voting, and the method of counting the votes.

**SECTION I.** *Be it enacted, etc.*, That section one of an act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," approved the tenth day of June, Anno Domini one thousand eight hundred and ninety-three, which reads as follows:

"**SECTION I.** *Be it enacted, etc.*, That all ballots cast in elections for public officers within this Commonwealth shall be printed and distributed at public expense as hereafter provided. The printing of the ballots and of the cards of instruction for the elections in each county, and the delivery of the same to the election officers as herein-after provided, and all other expenses incurred under the provisions of this act shall be a county charge, unless herein otherwise provided, the payment of which shall be provided

for in the same manner as the payment of other election expenses. It shall be the duty of the Secretary of the Commonwealth to prepare forms for all the blanks made necessary or advisable by this act, and to furnish copies of the same to the county commissioners of each county, who shall procure further copies of the same at the cost of the county and furnish them to the election officers or other persons by whom they are to be used, in such quantities as may be necessary to carry out the provisions of this act," be amended so as to read as follows:

SECTION 1. *Be it enacted, etc.*, That all ballots *and envelopes* cast in elections for public officers within this commonwealth shall be printed and distributed at public expense, as hereinafter provided. The printing of the ballots, *the envelopes* and of the cards of instructions for the elections in each county, and the delivery of the same to the election officers, as hereinafter provided, and all other expenses incurred under the provisions of this act, shall be a county charge, unless herein otherwise provided, the payment of which shall be provided for in the same manner as the payment of other election expenses. It shall be the duty of the Secretary of the Commonwealth to prepare forms for all the blanks made necessary or advisable by this act, and to furnish copies of the same to the county commissioners of each county, who shall procure further copies of the same at the cost of the county, and furnish them to the election officers or other persons by whom they are to be used, in such quantities as may be necessary to carry out the provisions of this act.

SECTION 2. That section thirteen of said act, which reads as follows:

"SECTION 13. The county commissioners of each county shall cause all the ballots to be used therein to be printed. The said commissioners shall ascertain the office

to be filled and shall be responsible for the accurate printing of the ballots in accordance with this act, and for the safe-keeping of the same while in their possession, or that of their subordinates or agents," be amended so as to read as follows:

SECTION 13. The county commissioners of each county shall cause all the ballots *and envelopes* to be used therein to be printed. The said commissioners shall ascertain the offices to be filled, and shall be responsible for the accurate printing of the ballots, in accordance with this act, and for the safe keeping of the *ballots and envelopes* while in their possession, or that of their subordinates or agents.

SECTION 3. That section fourteen of said act, as amended by section two of an act approved the twenty-ninth day of April, Anno Domini, one thousand nine hundred and three, which reads as follows:

"SECTION 14. When Presidential electors are to be voted for, the names of candidates for Presidential electors shall be arranged in party groups, as presented in the several certificates of party nomination and nomination papers, and the groups shall be printed upon the ballot in order of the vote obtained in the State, at the last Presidential election, by the parties nominating, beginning with the party which obtained the highest vote: Provided, That in the case of political parties not represented on the ballot in the last Presidential election, the order of arrangement shall be alphabetically.

At the head of each group of candidates shall be printed the appropriate party name or political appellation, together with the surnames of the candidates of such party for President and Vice-President, underneath which shall be printed the names of the appropriate candidates for Presidential electors.

At the right of the space containing the surnames of the candidates for President and Vice-President, and their party name or political appellation, there shall be a square, of sufficient size for the convenient insertion of a cross-mark (X), and at the right of the name of each candidate for Presidential elector, there shall be a similar, but smaller, square.

The names of candidates for all other offices shall, in all cases, be arranged under the title of the office for which they are candidates, and be printed in the order of the votes obtained for the head of the respective tickets of the parties or bodies nominating at the last Presidential election, beginning with the party obtaining the highest vote: Provided, That in the case of parties not represented on the ballot at the last Presidential election, the name of the nominees of such parties shall be arranged alphabetically, according to the party name or political appellation. At the right of the name of each nominee, or candidate, shall be printed the name or appellation of the political party presenting or nominating him, and at the right of such party *name*, or political *appellation*, there shall be a square of sufficient size for the convenient insertion of a cross-mark.

*Whenever any candidate shall receive more than one nomination for the same office, his name shall be printed once, and the names of each political party, so nominating him, shall be printed to the right of the name of such candidate, arranged in the same order as candidates' names are grouped, that is to say, in the order of the votes obtained by such party at the last preceding Presidential election, beginning with the party obtaining the highest vote. If such candidate shall be nominated by any political party not represented on the ballot in the last Presidential election, the name of such party shall follow the other names, and be arranged alphabetically, according to the party name or appellation. At the right of every party name, or political*

*appellation, shall be a square, of sufficient size for the convenient insertion of a cross-mark.*

There shall be left, at the end of the groups of candidates for Presidential electors, and of the list of candidates for each different office (or under the title of the office itself for which an election is to be held, in case there be no candidates legally nominated therefor), as many blank spaces as there are persons to be voted for, for such office, in which space the voter may insert the name of any person whose name is not printed on the ballot as a candidate for such office, and such insertion shall count as a vote, without the cross-mark as hereinafter mentioned.

Whenever the approval of a constitutional amendment, or other question, is submitted to the vote of the people, such question shall be printed upon the ballot in brief form, and followed by the words, "yes" and "no," and if such question be submitted at an election of public officers, it shall be printed after the list of candidates.

The ballots shall be so printed as to give to each voter a clear opportunity to designate his choice of candidates by a cross-mark (X), in a square of sufficient size at the right of the name of each candidate, and inside the line enclosing the column, and, in like manner, answers to questions submitted, by similar marks, in squares at the right of the words "yes" and "no," and on the ballot may be printed instructions how to mark, and such words as will aid the voter to do this, as "mark one," "mark two," and the like. Provided, That a voter may designate his choice of an entire group of candidates for Presidential electors by one cross-mark (X), in a large square, which shall be placed at the right of the names of the candidates for President and Vice-President, to the head of such group, and such mark shall be equivalent to a mark against every name in the group: Provided further, That each voter may have the opportunity of designating his choice for all the candidates, as nominated by one political party, there shall be printed on

the extreme left of the ballot, and separated from the rest of the ballot by a space of at least one-half inch, a list of the names of all the political parties or groups of nominees, represented on such ballot and presenting candidates to be voted for at such election. Such names shall be arranged in the order of the votes obtained, at the last Presidential election, by the candidate at the head of the respective tickets of the parties or bodies nominating, beginning with the party that received the highest vote cast. Following the names of such political parties, shall be the names of the parties or principles not presented on the ballot at the last Presidential election, arranged alphabetically, according to the party name or political appellation. A square, of sufficient size for the convenient insertion of a cross-mark, shall be placed at the right of each party name or appellation. Every mark within such square shall be equivalent to a mark against every name designated by that political appellation, or party name, including candidates nominated by more than one party, or group of citizens.

At the head of every ballot shall be printed the following instructions:

To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice, in the first column. A cross-mark in the square opposite the name of any candidate, indicates a vote for that candidate," be amended so as to read as follows:

SECTION 14. When Presidential electors are to be voted for, the names of candidates for Presidential electors shall be arranged in party groups, as presented in the several certificates of party nomination and nomination papers, and the groups shall be printed upon the ballot in order of the vote obtained in the State, at the last Presidential election, by the parties nominating, beginning with the party which obtained the highest vote: Provided, That in the case of political parties not presented on the ballot in the

last Presidential election, the order of arrangement shall be alphabetically.

At the head of each group of candidates shall be printed the appropriate party name or political appellation, together with the surnames of the candidates of such party for President and Vice-President, underneath which shall be printed the names of the appropriate candidates for Presidential electors.

At the right of the space containing the surnames of the candidates for President and Vice-President, and their party name or political appellation, there shall be a square, of sufficient size for the convenient insertion of a cross-mark (X), and at the right of the name of each candidate for Presidential elector, there shall be a similar, but smaller square.

The names of candidates for all other offices shall, in all cases, be arranged under the title of the office for which they are candidates, and be printed in the order of the votes obtained for the head of the respective tickets of the parties or bodies nominating at the last Presidential election, beginning with the party obtaining the highest vote: Provided, That in the case of parties not represented on the ballot at the last Presidential election, the name of the nominees of such parties shall be arranged alphabetically, according to the party name or political appellation. At the right of the name of each nominee, or candidate, and *on the same line*, shall be printed the *initial letters of the name or appellation of each political party presenting or nominating him, arranged in the above order*, and at the right of such party names or political appellations there shall be a *single* square of sufficient size for the convenient insertion of a cross-mark.

There shall be left, at the end of the groups of candidates for Presidential electors, and of the list of candidates for each different office (or under the title of the office itself for which an election is to be held, in case there be no

candidates legally nominated therefor), as many blank spaces as there are persons to be voted for, for such office, in which space the voter may insert the name of any person whose name is not printed on the ballot as a candidate for such office, and such insertion shall count as a vote, without the cross-mark as hereinafter mentioned.

Whenever the approval of a constitutional amendment, or other question, is submitted to the vote of the people, such question shall be printed upon the ballot in brief form, and followed by the words, "yes" and "no," and if such question be submitted at an election of public officers, it shall be printed after the list of candidates.

The ballots shall be so printed as to give to each voter a clear opportunity to designate his choice of candidates by a cross-mark (X), in a square of sufficient size at the right of the name of each candidate, and inside the line enclosing the column, and, in like manner, answers to questions submitted, by similar marks, in squares at the right of the words "yes" and "no," and on the ballot may be printed instructions how to mark, and such words as will aid the voter to do this, as "mark one," "mark two," and the like. Provided, That a voter may designate his choice of an entire group of candidates for Presidential electors by one cross-mark (X), in a large square, which shall be placed at the right of the names of the candidates for President and Vice-President, at the head of such group, and such mark shall be equivalent to a mark against every name in the group: Provided further, That each voter may have the opportunity of designating his choice for all the candidates, as nominated by one political party, there shall be printed on the extreme left of the ballot, and separated from the rest of the ballot by a space of at least one-half inch, a list of the names of all the political parties or groups of nominees, represented on such ballot and presenting candidates to be voted for at such election. Such names shall be arranged in the order of the votes obtained, at the last Presi-

dential election, by the candidate at the head of the respective tickets of the parties or bodies nominating, beginning with the party that received the highest vote cast. Following the names of such political parties shall be the names of the parties or principles not presented on the ballot at the last Presidential election, arranged alphabetically, according to the party name or political appellation. A square of sufficient size for the convenient insertion of a cross-mark, shall be placed at the right of each party name or appellation. Every mark within such square shall be equivalent to a mark against every name designated by that political appellation, or party name, including candidates nominated by more than one party, or group of citizens.

At the head of every ballot shall be printed the following suggestions:

To vote a straight party ticket, mark a cross (X) in the square opposite the name of the party of your choice, in the first column. A cross-mark in the square opposite the name of any candidate, indicates a vote for that candidate.

SECTION 4. That section fifteen of said act, which reads as follows:

“SECTION 15. All the ballots used in the same voting place at any election shall be alike, and shall be at least six inches long and four inches wide. They shall be printed with the same kind or kinds of type, (which shall not be smaller than the size known as “brevier” or “eight-point body”), upon white paper without any impression or mark to distinguish one from another, and of sufficient thickness to prevent the printed matter from showing through. *Each ballot shall be attached to a stub or counterfoil, and all the ballots for the same voting place shall be bound together in convenient numbers in books in such manner that each ballot may be detached and removed separately.*

On the back of each ballot, or on the right hand side of the back, if the ballot is printed in two columns, there shall be printed as a caption, "official ballot for," followed by the designation of the voting place for which the ballot is prepared, the date of the election and a fac-simile of the signatures of the county commissioners of the respective counties who have caused the ballots to be printed. A record of the number of ballots printed and furnished to each voting place shall be kept and preserved by the county commissioners of the several counties. When it is shown by affidavit that mistake or omission has occurred in the publication of names or description of candidates, or in the printing of the ballots, the court of common pleas of the district or county, or any judge thereof, may upon the application of any qualified elector of the district or county require the county commissioners to correct the mistake or omission, or to show cause why they should not," be amended so as to read as follows:

SECTION 15. All the ballots used at the same voting place at any election shall be alike, and shall be at least six inches long and four inches wide. They shall be printed with the same kind or kinds of type (which shall not be smaller than the size known as "brevier" or "eight-point body"), upon white paper without any impression or mark to distinguish one from another, and of sufficient thickness to prevent the printed matter from showing through.

On the back of each ballot, or on the right hand side of the back, if the ballot is printed in two columns, there shall be printed as a caption, "official ballot for," followed by the designation of the voting place for which the ballot is prepared, the date of the election and a fac-simile of the signatures of the county commissioners of the respective counties who have caused the ballots to be printed. When it is shown by affidavit that mistake or omission has occurred in the publication of names or description of candidates, or

in the printing of the ballots, the court of common pleas of the district or county, or any judge thereof, may upon the application of any qualified elector of the district or county require the county commissioners to correct the mistake or omission, or to show cause why they should not.

*In addition to the official ballot, there shall be an official envelope large enough to conveniently receive a single ballot when folded. On the back of the envelope shall be printed the words "official envelope," followed by the date of the election, and a fac-simile of the signatures of the county commissioners. The flap of the envelope shall be gummed. A record of the number of ballots and envelopes printed and furnished to each voting place shall be kept and preserved by the county commissioners of the several counties.*

SECTION 5. That section sixteen of said act, which reads as follows:

"SECTION 16. The county commissioners of each county shall provide for each election district in which an election is to be held, one set of such ballots of not less than seventy-five for every fifty and fraction of fifty voters therein, as contained upon the assessor's list. They shall also prepare full instructions for the guidance of voters, as to obtaining ballots, as to the manner of marking them and the method of gaining assistance, and as to obtaining new ballots in place of those accidentally spoiled; and they shall respectively cause the same, together with copies of sections thirty to thirty-five inclusive of this act, to be printed in large clear type on separate cards to be called Cards of Instruction. They shall also, in addition to the number of tickets required to be printed for general distribution, have printed five hundred official and one hundred sample ballots for every five thousand voters within the county, which tickets shall be kept at the office of the commissioners for the use of any district or districts, the tickets

for which may be lost or destroyed. They shall also *cause to be printed on tinted paper and without the fac-simile endorsements, copies of the form of the ballot provided for each voting place at each election therein, which shall be called Specimen Ballots, and at each election they shall furnish to each voting place, together with the ballots to be used there, a sufficient number of cards of instruction and specimen ballots for use as required in section twenty-one of this act.* They shall also provide for each election district, at every election therein, two copies of the assessor's list of voters, and shall deliver the same as such lists are now delivered, one copy to be called the "ballot check-list," for the inspectors in charge of the ballots, and the other copy to be called the "voting check-list," to be used in marking the name of those who have voted *and the number of their ballots as now required by law,*" be amended so as to read as follows:

SECTION 16. The county commissioners of each county shall provide for each election district in which an election is to be held one set of such ballots *and envelopes* of not less than seventy-five for every fifty and fraction of fifty voters therein, as contained upon the assessor's list. They shall also prepare full instructions for the guidance of voters, as to obtaining ballots, as to the manner of marking them, and as to obtaining new ballots *and envelopes* in place of those accidentally spoiled; and they shall respectively cause the same, together with copies of sections thirty to thirty-five inclusive of this act, to be printed in clear type on separate cards, to be called Cards of Instruction. They shall also, in addition to the number of tickets and *envelopes* required to be printed for distribution to the judges of election have printed five hundred official ballots *and envelopes* for every five thousand voters within the county, which tickets *and envelopes* shall be kept at the office of the commissioners, for the use of any district or districts the

tickets or *envelopes* for which may be lost or destroyed. They shall also furnish to each voting place, together with the ballots and *envelopes* to be used there, a sufficient number of cards of instruction for use as required in section twenty-one of this act. They shall also provide for each election district *except in cities of the first, second and third class* at every election therein two copies of the assessor's lists of voters, and shall deliver the same as such lists are now delivered, one copy to be called the Ballot Check List for the inspectors in charge of the ballots, and the other copy to be called the Voting Check List, to be used in marking the names of those who have voted.

SECTION 6. That section seventeen of said act, which reads as follows:

"SECTION 17. The ballots, together with the *specimen ballots* and cards of instruction printed by the county commissioners as herein provided, shall be packed by them in separate sealed packages with marks on the outside clearly designating the election districts for which they are intended and the number of ballots of *each kind* enclosed.

They shall then be sent by the county commissioners of the respective counties to the judges of election at the several voting places so as to be received by them on the Saturday or Monday before the day of election. The respective judges of election shall on delivery to them of such packages, return receipts therefor to the commissioners, who shall keep a record of the time when and the manner in which the several packages are sent, and shall preserve for the period of one year, the receipts of the said judges of election.

The commissioners of any county may, if they prefer, instead of sending the packages to the judges or any number of them in the manner aforesaid, notify the judges of the election districts for which the said commissioners are required to provide ballots, to come to the said commissioners'

office on the day before the election, at a time specified, and it shall be the duty of each of the said judges to come to the said office at that time, and there on presentation of his certificate of election as judge, to receive and receipt for one package of ballots, *specimen ballots* and cards of instruction, for use in his election district. He shall keep the said package sealed and shall be responsible for the safe-keeping thereof until the ballots are used at the election. In case a judge of the election is prevented by illness from performing the duties aforesaid, he shall depute one of the inspectors to act in his place," be amended so as to read as follows:

SECTION 17. The ballots, together with the *envelopes* and cards of instruction printed by the county commissioners, as herein provided, shall be packed by them in separate sealed packages, with marks on the outside clearly designating the election districts for which they are intended, and the number of ballots and *envelopes* enclosed.

They shall then be sent by the county commissioners of the respective counties to the judges of election at the several voting places, so as to be received by them on the Saturday or Monday before the day of election. The respective judges of election shall on delivery to them of such packages, return receipts therefor to the commissioners, who shall keep a record of the times when and the manner in which the several packages are sent, and shall preserve for the period of one year the receipts of the said judges of election.

The commissioners of any county may, if they prefer, instead of sending the packages to the judges, or any number of them in the manner aforesaid, notify the judges of the election districts for which the said commissioners are required to provide ballots, to come to the said commissioners' office on the day before the election, at a time specified, and it shall be the duty of each of the said judges to come to the said office at that time, and there on presen-

tation of his certificate of election as judge, to receive and receipt for one package of ballots, *envelopes* and cards of instruction, for use in his election district. He shall keep the said package sealed and shall be responsible for the safe keeping thereof until the ballots and *envelopes* are used at the election. In case a judge of the election is prevented by illness from performing the duties aforesaid, he shall depute one of the inspectors to act in his place.

*Any party, through the chairman of its county committee or any candidate whose name is printed on the ballot, may obtain from the county commissioners any number, not less than fifty, of the official ballots for any district, by presenting to the county commissioners, not less than seven days prior to the election, written application for the same, accompanied by the deposit of a sum sufficient to cover the costs of printing. Such ballots may be distributed in advance of the election, and may be voted in the same manner as ballots obtained at the polls.*

SECTION 7. That section twenty of said act, which reads as follows:

“SECTION 20. At the opening of the polls in each voting place the seals of the packages shall be publicly broken and the said package shall be opened by the judge of elections. The cards of instruction shall be immediately posted at or in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards and *not less than five specimen ballots* shall be immediately posted in or about the voting room outside the guard-rail; and such cards and *specimen ballots* shall be given to any voter at his request,” be amended so as to read as follows:

SECTION 20. At the opening of the polls in each voting place the seals of the packages shall be publicly broken and the said package shall be opened by the judge of elections. The cards of instruction shall be immediately posted at or

in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and not less than three such cards shall be immediately posted in or about the voting room outside the guard-rail; and such cards shall be given to any voter at his request.

SECTION 8. That section twenty-one of said act, which reads as follows:

“SECTION 21. Any person desiring to vote shall give his name and residence to one of the election officers in charge of the ballots, who shall thereupon announce the same in a loud and distinct tone of voice, and if such name is found upon the ballot check list by the inspector or clerks in charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard-rail, unless his right to vote be challenged. No person whose name is not on the said list, or whose right to vote shall be challenged by a qualified citizen, shall be admitted within said guard-rail until he has established his right to vote in the manner now provided by law, and his name, if not on the check lists, shall then be added to both lists. As soon as a voter is admitted within the rail the election officer having charge of the ballots shall *detach a ballot from the stub and give it to the said voter, but shall first fold it so that the words printed on the back and outside, as provided in section fifteen of this act, shall be the only wording visible and no ballot shall be voted unless folded in the same manner.* Not more than one ballot shall be given to a voter except as provided in section twenty-five of this act. As soon as a voter receives a ballot the letter “B” shall be marked against his name on the margin of the ballot check list; but no record of the number of the ballots shall be made on the said lists. Besides the election officers and such supervisors as are authorized by the laws of the United States or overseers appointed by the courts of this Commonwealth, not more than four voters in excess

of the number of voting shelves or compartments provided, shall be allowed in said enclosed space at one time," be amended so as to read as follows:

SECTION 21. Any person desiring to vote, shall give his name and residence to one of the election officers in charge of the ballots, who shall thereupon announce the same in a loud and distinct voice, and if such name is found upon the ballot check list by the inspector or clerks in charge thereof, he shall likewise repeat the said name, and the voter shall be allowed to enter the space enclosed by the guard rail, unless his right to vote be challenged. No person whose name is not on the said list, or whose right to vote shall be challenged by a qualified citizen, shall be admitted within said guard rail until he has established his right to vote in the manner now provided by law, and his name if not on the check list shall then be added to both lists, *except in cities of the first, second and third classes, where if his name is not on the registry list, he shall not be entitled to vote.* As soon as a voter is admitted within the rail, the election officer having charge of the ballots shall *give to the voter one of the official envelopes, and if the voter shall ask for a ballot, he shall give him also one of the official ballots.* Not more than one envelope shall be given to each voter, *except as provided in section twenty-five of this act, and as soon as the voter receives an envelope, the letter "B" shall be marked against his name in the ballot check list.* Besides the election officers and such supervisors as are authorized by the laws of the United States or overseers appointed by the courts of this Commonwealth, not more than four voters in excess of the number of voting shelves or compartments provided, shall be allowed in said enclosed space at one time.

SECTION 9. That section twenty-two of said act as amended by section three of said act, approved April twenty-ninth, one thousand nine hundred and three, which reads as follows:

“SECTION 22. On receipt of his *ballot*, the voter shall forthwith, and without leaving the space enclosed by the guard-rail, retire to one of the voting shelves or compartments, and draw a curtain, or shut the screen or door, *and shall then prepare his ballot as follows*:

If he desires to vote for every candidate of a political party, he may make a cross-mark in the appropriate square, opposite the name of the party of his choice, in the straight party column on the left of the ballot, and every such cross-mark shall be equivalent to a vote for every candidate for the party so marked.

If he desires to vote for an entire group of Presidential electors, he may place a cross-mark in the appropriate square, at the right of the name of the party of his choice. If he desires to divide his vote among candidates from different groups of Presidential electors, he shall make a cross-mark in the appropriate square, to the right of the name of each candidate for Presidential elector for whom he desires to vote: Provided, That a mark in the straight party column, opposite the name of the party of his choice, shall also be counted as a mark for each Presidential elector nominated by such party.

He may vote, according to the above provisions, for the candidate of his choice for each office to be filled, according to the number of persons to be voted for by him for each office, or he may insert in the blank space provided therefor, in accordance with section fourteen of this act, any name not already on the ballot. And in case of a question submitted to the vote of the people, he may mark in the appropriate margin or space a cross (X), opposite the answer which he desires to give. In all cases where, by existing laws, a voter is entitled to cast more than one vote for a single candidate, he shall place in the appropriate square, instead of a cross (X), a number, which shall indicate the number of votes to be counted for the candidate whose name is so marked.

*Before leaving the voting shelf or compartment the voter shall fold his ballot, without displaying the markings thereon, in the same way it was folded when received by him, and he shall keep the same so folded and deposit it in the ballot-box without undue delay, and shall quit the enclosed space immediately thereafter,"* be amended so as to read as follows:

SECTION 22. On receipt of his *envelope*, the voter shall forthwith, without leaving the space enclosed by the guard-rail, retire *alone* to one of the voting shelves or compartments, and draw a curtain or shut the screen or door, *and there remain until he shall have enclosed in his envelope the ballot which he desires to vote*. The voter may use for the preparation of his ballot either a ballot which he has received from the election officers, or one of the official ballots which he shall have received elsewhere, but *none but official ballots shall be voted*.

If he desires to vote for every candidate of a political party he may make a cross-mark in the appropriate square opposite the name of the party of his choice in the straight party column on the left of the ballot, and every such cross-mark shall be equivalent to a vote for every candidate for the party so marked.

If he desires to vote for an entire group of Presidential electors, he may place a cross-mark in the appropriate square at the right of the name of the party of his choice. If he desires to divide his vote among candidates from different groups of Presidential electors, he shall make a cross-mark in the appropriate square, to the right of the name of each candidate for Presidential elector for whom he desires to vote: Provided, that a mark in the straight party column, opposite the name of the party of his choice, shall also be counted as a mark for each Presidential elector nominated by such party.

He may vote according to the above provisions for each office to be filled, according to the number of persons to be voted for by him for each office, or he may insert in the blank space provided therefor, in accordance with section fourteen of this act any name not already on the ballot. And in case of a question submitted to the vote of the people, he may mark in the appropriate margin or space a cross (X), opposite the answer which he desires to give. In all cases where, by existing laws, a voter is entitled to cast more than one vote for a single candidate, he shall place in the appropriate square, instead of a cross (X), a number, which shall indicate the number of votes to be counted for the candidate whose name is so marked.

*After enclosing his ballot in the envelope, the voter shall seal the envelope and deposit it in the ballot-box without undue delay, and quit the enclosed space immediately thereafter.*

SECTION 10. That section twenty-three of said act as amended by section one of an act approved April sixteenth, one thousand nine hundred and three, which reads as follows:

“SECTION 23. No voter shall be allowed to occupy a voting shelf or compartment already occupied by another, *except when giving the help allowed by section twenty-six of this act*, nor to remain within said compartment more than three minutes in case all of such compartments are in use, and other voters are waiting to occupy the same. No voter not an election officer shall be allowed to re-enter the enclosed space after he has once left it, *except to give help as hereinafter described*. Each voter’s name shall be checked on the voting check-list by the officer having charge thereof, as soon as he has cast his vote in the manner provided by law. It shall be the duty of the judge of election to secure the observation of the provisions of this section, to keep order in the room in which the voting is held and

to see that no more persons are admitted within the enclosed space than are allowed by this act. Each party which has by its primary meeting, caucus, convention or board, sent to the proper office a certificate of nomination, and each group of citizens which has sent to the proper office a nomination paper *as provided in sections two and three of this act* shall be allowed to appoint three qualified electors, who must be three electors residents of the division in which they are authorized to act, to act as watchers in each voting place without expense to the county, one of whom shall be allowed to remain in the room outside of the enclosed space. Each watcher shall be provided with a certificate from the county commissioners, stating his name, the names of the persons who have appointed him and the party or policy he represents; and no party or policy shall be represented by more than one watcher in the same voting room at any one time. Watchers shall be required to show their certificates when required to do so. Until the polls are closed, no persons shall be allowed in the room outside of the said enclosed space except these watchers, voters not exceeding ten at any one time who are waiting their turn to prepare their ballots, and peace officers when necessary for the preservation of the peace. No person when within the voting room shall electioneer or solicit votes for any party or candidate, nor shall any written or printed matter be posted up within said room except as required by law. When the hour for closing the polls shall arrive all persons within the enclosed space who have received *ballots* but have not yet deposited them, shall be required to *mark and* deposit their ballots forthwith, but no other person shall be allowed to vote," be amended so as to read as follows:

SECTION 23. No voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said compartment more than three minutes in case all of such compartments are in use and

other voters are waiting to occupy the same. No voter, not an election officer, shall be allowed to re-enter the enclosed space after he has once left it. Each voter's name shall be checked on the voting check list by the officer having charge thereof as soon as he has cast his vote. It shall be the duty of the judge of election to secure the observation of the provisions of this section, to keep order in the room in which the voting is held, and to see that no more persons are admitted within the enclosed space than are allowed by this act. Each party which has by its primary meeting, caucus, convention or board, sent to the proper office a certificate of nomination, and each group of citizens which has sent to the proper office a nomination paper shall be allowed to appoint three qualified electors, who must be three electors residents of the division in which they are authorized to act, to act as watchers in each voting place without expense to the county, one of whom shall be allowed to remain in the room outside of the enclosed space. Each watcher shall be provided with a certificate from the County Commissioners, stating his name, the names of the persons who have appointed him and the party or policy he represents; and no party or policy shall be represented by more than one watcher in the same voting room at any one time. Watchers shall be required to show their certificates when required to do so. Until the polls are closed, no person shall be allowed in the room outside of the said enclosed space, except these watchers, voters not exceeding ten at any one time who are waiting their turn to prepare their ballots, and peace officers, when necessary for the preservation of the peace. No person when within the voting room shall electioneer or solicit votes for any party or candidate, nor shall any written or printed matter be posted up within said room except as required by law. When the hour for closing the polls shall arrive all persons within the enclosed space who have received *envelopes* but have not yet deposited them, shall be required to deposit their ballots forthwith, but no other person shall be allowed to vote.

SECTION 11. That section twenty-four of said act, which reads as follows:

“SECTION 24. No list or memorandum of the names of voters, except such lists as are expressly authorized by law, shall be made within the voting-room by any person or officer, *nor shall any list or memorandum of the numbers marked upon the ballots be made or kept except such lists as are expressly authorized by law*; *Provided*, That any voter may make a memorandum of the number of his own ballot and watchers may keep their poll-books and challenge lists.

After the closing of the polls and before the ballot-boxes are opened, all the lists of voters, *upon which the numbers of the ballots are recorded as now required by law*, shall be placed in separate sealed covers properly marked, and *the stubs of all the ballots used, together with* all unused ballots and the ballot check-list, shall also be enclosed in a sealed package properly designating the voting place, which package shall be sent to the proper office as required by law in the case of the ballots cast, and neither the said package, nor the said list of voters shall thereafter be opened except by the return judges, or in the case of a contest, or upon the order of a court of a competent jurisdiction,” be amended so as to read as follows:

SECTION 24. No list or memorandum of the names of voters, except such lists as are expressly authorized by law, shall be made within the voting-room by any person or officer, but watchers may keep their poll-books and challenge lists.

After the closing of the polls and before the ballot-boxes are opened, all the lists of voters shall be placed in separate sealed covers properly marked, and all unused ballots *and envelopes* and the ballot check-list shall also be enclosed in a sealed package, properly designating the voting place, which package shall be sent to the proper office, as

required by law in the case of ballots cast, and neither the said package, nor the said list of voters shall thereafter be opened, except by the return judges, or in the case of a contest or upon the order of a court of competent jurisdiction.

SECTION 12. That section twenty-five of said act, which reads as follows:

“SECTION 25. No person other than the election officers shall take or remove any *ballot* from the voting place. If any voter inadvertently spoils a ballot he may obtain another upon returning the spoiled one. The *ballots* thus returned shall be immediately canceled, and at the close of the polls shall be secured in *an envelope, sealed* and sent to the proper office, as required by law in the case of the ballots cast,” be amended so as to read as follows:

SECTION 25. No person other than the election officers shall take or remove any *envelope* from the voting place. If any voter inadvertently spoils a ballot *or envelope*, he may obtain another upon returning the spoiled one. The *envelopes* thus returned shall be immediately canceled, and at the close of the polls shall be secured in *a sealed cover* and sent to the proper office, as required by law in the case of ballots cast.

SECTION 13. That section twenty-seven of said act, as amended by section four of said act, approved April twenty-ninth, one thousand nine hundred and three, which reads as follows:

“SECTION 27. If a voter has marked his ballot otherwise than as directed by this act, so that for any reason it is impossible to determine the voter’s choice for any office to be filled, his ballot shall not be counted for such office; but the ballot shall be counted for all other offices for which the names of candidates have been properly marked.

*No ballot without the official endorsement shall, except as herein otherwise provided, be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not marked, or improperly or defectively marked, shall be endorsed as defective, but shall be preserved with the other ballots. If any ballot appears to have been obtained otherwise than as provided in this act, the judge of elections shall transmit such ballot to the district attorney, without delay, together with whatever information he may have tending to the detection of the person who deposited the same,"* be amended so as to read as follows:

**SECTION 27.** If a voter has marked his ballot otherwise than as directed by this act, so that for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office; but the ballot shall be counted for all other offices for which the names of candidates have been properly marked; *Provided, That if a voter shall make a cross (X) in a party square, and also in the square opposite the name of any candidate or candidates for any office, or shall also write the names of any such candidates in the blank spaces provided for that purpose, his ballot shall be counted as a vote for such candidates for that office and as a straight party vote for all other offices.*

*None but official ballots, contained in official envelopes shall be counted. If any envelope shall contain more than one ballot, such ballots shall not be counted. Ballots not marked, or improperly or defectively marked, shall be indorsed as defective, and enclosed with the envelopes in a separate sealed package indorsed "defective ballots" together with the total number of such ballots and returned by the judge of elections to the prothonotary of the Court of Common Pleas. If any envelope appears to have been obtained otherwise than as provided in this act, the judge of*

election shall transmit such *envelope* to the District Attorney without delay, together with whatever information he may have tending to the detection of the person who deposited the same.

SECTION 14. That section twenty-eight of said act, as amended by section five of said act approved April twenty-ninth, one thousand nine hundred and three, which reads as follows:

“SECTION 28. After the polls are closed, the election officers only shall remain in the voting-room within the guard-rail, and shall there at once proceed to count the votes. Such counting shall not be adjourned or postponed until it shall have been fully completed. *A record shall first be made of the number of the last ballot cast;* the officers in charge of the voting check-list shall, in the presence of the other officers and watchers, count in a distinct and audible voice the names checked on the said list, and announce the whole number thereof; and the list of voters, *the stubs of ballots used,* and all unused ballots, shall then be sealed up, as required by section twenty-five of this act. The ballot-box shall then be opened by the inspectors, the ballots taken therefrom, and audibly counted, one by one, by them, and when the count is completed, the whole number of ballots cast shall be announced; and *the counting of the number of votes received by each person voted for shall then proceed.* The judge, in the presence of the inspectors, shall read aloud the name or names marked or inserted upon each ballot, together with the party name, or political appellation, under which each vote was cast, and the answers marked thereon to the questions submitted, if any; and the clerks shall each carefully enter each vote as read, and keep account of the same in tally-papers prepared for the purpose. It shall be unlawful for either judge or inspectors while counting the ballots or the votes thereon, to have in his hand any pen, pencil, or stamp for marking ballots.

All ballots, after being removed from the box, shall be kept within the unobstructed view of those present in the voting-room, so that they may be able to see all the marks on each ballot, but out of their reach, until they are placed in the ballot-box as required by law. *A full return shall be made in the manner now provided by law, of all votes cast; and such returns, as well as those made by the judges of the courts, shall state in every case the number of votes cast for each candidate by each political party or body of which such candidate is a nominee, as the same shall appear upon the ballots cast. The total vote, as soon as counted, shall be publicly announced.*

It shall be the duty of the police officers, constables, and deputy constables, now required by law to be present at the polls, to remain in the voting-room, but outside of the guard-rail, while the votes are being counted, and preserve order therein. No person, except the said peace officers, when necessary for the preservation of the peace, or persons acting by their authority, shall enter into the space within the guard-rail, or converse with any election officer, in any way after the polls are closed and until the counting of the votes has been completed," be amended so as to read as follows:

SECTION 28. After the polls are closed, the election officers only shall remain in the voting room, within the guard rail, and shall there at once proceed to count the votes. Such counting shall not be adjourned or postponed until it shall have been fully completed. The officers in charge of the voting check list shall in the presence of the other officers and watchers count in a distinct and audible voice the names checked on the said list and announce the whole number thereof and the list of voters and all unused ballots *and envelopes* shall then be sealed up as required by section *twenty-four* of this act. The ballot box shall then be opened by the inspectors, and the ballots taken there-

from, and audibly counted, one by one, by them, and when the count is completed, the whole number of ballots cast shall be announced. *The ballots shall then be taken from the envelopes and the straight party ballots separated from the split ballots. The straight party ballots cast for each party shall be counted and a memorandum thereof made upon the tally sheet and the proper number of votes entered opposite the name of each candidate. The split ballots shall then be counted, one by one, and the proper entries of votes cast made upon the tally sheets. In case of any question submitted to vote, the judge, after the count of votes cast for candidates shall have been completed, shall go over the ballots one by one and read aloud the answers marked thereon to each of the questions submitted, and the clerks shall carefully enter each answer as read in the tally papers.*

All ballots, after being removed from the box, shall be kept within the unobstructed view of those present in the voting room, so that they may be able to see all the marks on each ballot, but out of their reach, until they are placed in the ballot box, as required by law.

It shall be the duty of the police officers, constables and deputy constables now required by law, to be present at the polls, to remain in the voting room, but outside of the guard rail while the votes are being counted, and preserve order therein. No person except the said peace officers when necessary for the preservation of the peace, or persons acting by their authority, shall enter into the space within the guard rail, or converse with any election officers in any way after the polls are closed, and until the counting of the votes has been completed.

SECTION 15. That section thirty of said act, as amended by section six of said act approved April twenty-ninth, one thousand nine hundred and three, which reads as follows:

"SECTION 30. A voter who shall allow his ballot to be seen by any person, with the apparent intention of letting it be known how he is about to vote, or shall cast or attempt to cast any other than the official ballot *which has been given him by the proper election officer, or shall falsely declare to a judge of election that, by reason of any disability, he is unable to mark his ballot, and on that account desires assistance in marking it,* or shall wilfully violate any other provision of this act; or any person who shall interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before depositing his ballot to show how he marks or has marked his ballot; *or any helper who shall attempt to influence the vote of the voter whom he is assisting, or who shall mark a ballot in any other way than that requested by the voter whom he is assisting, or who shall disclose to any one the contents of any ballot, which has been marked with his help, except when required so to do in any legal proceedings;* shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not to exceed one hundred dollars, or to undergo an imprisonment for not more than three months, or both, at the discretion of the court," be amended so as to read as follows:

SECTION 30. A voter who shall allow his ballot to be seen by any person, with the apparent intention of letting it be known how he is about to vote, or shall cast or attempt to cast any other than the official ballot, or shall wilfully violate any other provision of this act; or any person who shall interfere with any voter when inside said enclosed space or when marking his ballot, or who shall endeavor to induce any voter before depositing his ballot to show how he marks or has marked his ballot, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not to exceed one hundred dollars, or to undergo an imprisonment for not more than three months, or both, at the discretion of the court.

SECTION 16. That section thirty-two of said act, which reads as follows:

“SECTION 32. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination, or nomination paper, or any part thereof, or any letter of withdrawal, or file any certificate of nomination, or nomination paper, or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination, or nomination paper, or any part thereof, which has been duly filed, or forge, or falsely make the official endorsement on any ballot, or wilfully destroy or deface any ballot, or wilfully delay the delivery of any ballots, shall be guilty of misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court,” be amended so as to read as follows:

SECTION 32. Any person who shall falsely make or wilfully deface or destroy any certificate of nomination, or nomination paper, or any part thereof, or any letter of withdrawal, or file any certificate of nomination, or nomination paper, or letter of withdrawal, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination, or nomination paper, or any part thereof, which has been duly filed, or forge, or falsely make the official endorsement on any ballot *or envelope*, or wilfully destroy or deface any ballot *or envelope*, or wilfully delay the delivery of any ballots *or envelopes*, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court.

SECTION 17. That section thirty-four of said act, which reads as follows:

“SECTION 34. Any printer employed by the commissioners of any county to print any official ballot, or any person engaged in printing the same, who shall appropriate to himself, or give or deliver or knowingly permit to be taken any of said ballots by any other person than such commissioners, or their duly authorized agent, or shall wilfully print, or cause to be printed any official ballot in any other form than that prescribed by such commissioners, or with any other names thereon, or with the names spelled otherwise than as directed by them, or the names or printing thereon arranged in any other way than that authorized and directed by this act, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than five years, or both, at the discretion of the court,” be amended so as to read as follows:

SECTION 34. Any printer employed by the commissioners of any county to print an official ballot *or envelope*, or any person engaged in printing the same, who shall appropriate to himself, or give or deliver or knowingly permit to be taken any of said ballots *or envelopes* by any other person than such commissioners, or their duly authorized agent, or shall wilfully print, or cause to be printed any official ballot in any other form than that prescribed by such commissioners, or with any other names thereon, or with the names spelled otherwise than as directed by them, or the names or printing thereon arranged in any other way than that authorized and directed by this act, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than five years, or both, at the discretion of the court.

SECTION 18. That section thirty-five of said act, which reads as follows:

"SECTION 35. Any person other than an officer charged by law with the care of *ballots*, or a person entrusted by any such officer with the care of the same for a purpose required by law, who shall have in his possession outside the voting room any official *ballot*, or any person who shall make or have in possession any counterfeit of an official ballot, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court," be amended so as to read as follows:

SECTION 35. Any person other than an officer charged by law with the care of *envelopes*, or a person entrusted by any such officer with the care of the same for a purpose required by law, who shall have in his possession outside the voting room any official *envelope*, or any person who shall make or have in possession any counterfeit of an official ballot *or envelope*, shall be guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment for not more than one year, or both, at the discretion of the court.

SECTION 19. That section twenty-six of said act be and the same is hereby repealed.

## EXHIBIT R

### OPENING BALLOT BOXES

*Amendment to Act of 1909, P. L. 425.*

*Codification, Section 221.*

*Purposes: To facilitate the opening of ballot boxes and recounting of the vote in cases of fraud.*

#### AN ACT

To amend section thirteen of an act entitled "A further supplement to the Act regulating elections in this Commonwealth," approved the thirtieth day of January, Anno Domini one thousand eight hundred and seventy-four, as amended by section one of an act approved April twenty-eighth, one thousand eight hundred and ninety-nine as further amended by section one of an act approved May sixth, one thousand nine hundred and nine, by providing for the opening of the ballot boxes under certain circumstances.

SECTION I. *Be it enacted, etc.*, That section thirteen of an act entitled "A further supplement to the Act regulating elections in this commonwealth," approved the thirtieth day of January, one thousand eight hundred and seventy-four, as amended by section one of an act approved April twenty-eighth, one thousand eight hundred and ninety-nine, as further amended by section one of an act approved May sixth, one thousand nine hundred and nine, which reads as follows:

"SECTION 13. As soon as the polls shall close the officers of election shall proceed to count all the votes cast for each candidate voted for, and make a full return of the same in triplicate, with a return sheet in addition, in all of which the votes received by each candidate shall be given after his or her name, first in words and again in figures, and shall be signed by all of said officers and certified by overseers, if

any, or if not so certified, the overseers and any officer refusing to sign or certify, or either of them, shall write upon each of the returns his or their reasons for not signing or certifying them. The vote, as soon as counted, shall also be publicly and fully declared from the window to the citizens present, and a brief statement showing the votes received by each candidate shall be made and signed by the election officers as soon as the vote is counted, and the same shall be immediately posted up on the door of the election house for information of the public. The triplicate returns shall be enclosed in envelopes and be sealed in presence of the officers, and one envelope, with the unsealed return-sheet, given to the judge, which shall contain one list of voters, tally-paper, and oaths of officers, and another of said envelopes shall be given to the minority inspector. All judges living within twelve miles of the prothonotary's office, or within twenty-four miles, if their residence be in a town, village or city upon the line of a railroad leading to the county seat, shall, before two o'clock post meridian of the day after the election, and all other judges shall, before twelve o'clock meridian of the second day after the election, deliver said return, together with the return-sheet, to the prothonotary of the court of common pleas of the county, which said return-sheet shall be filed, and the day and hour of filing marked thereon, and shall be preserved by the prothonotary for public inspection. At twelve o'clock on the said second day following any election, the prothonotary of the court of common pleas shall present the said returns to the said court. In counties where there is no resident president judge, the associate judges shall perform the duties imposed upon the court of common pleas, which shall convene for said purpose; the returns presented by the prothonotary shall be opened by said court and computed by such of its officers and such sworn assistants as the court shall appoint, in the presence of the judge or judges of said court, and the returns certified and certificates of election is-

sued under the seal of the court as is now required to be done by return judges; and the vote as so computed and certified shall be made a matter of record in said court. The sessions of the said court shall be open to the public. And in case the returns of any election district shall be missing when the returns are presented, *or in case of complaint of a qualified elector under oath, charging palpable fraud or mistake, and particularly specifying the alleged fraud or mistake*, or where fraud or mistake is apparent on the return, the court *shall examine the return*, and if in the judgment of the court it shall be necessary to a just return, said court shall issue summary process against the election officers and overseers, if any, of the election district complained of, to bring them forthwith into the court, with all election papers in their possession; and if *palpable* mistake or fraud shall be discovered, it shall, upon such hearing as may be deemed necessary to enlighten the court, be corrected by the court, and so certified; *but all allegations of palpable fraud or mistake shall be decided by the said court within three days after the day the returns are brought into court for computation; and the said inquiry shall be directed only to palpable fraud or mistake, and shall not be deemed a judicial adjudication to conclude any contest now or hereafter to be provided by law; and the other of said triplicate returns shall be placed in the box and sealed up with the ballots.* Nothing in this act shall require the returns of elections of township or borough officers to be made to the court as directed in this section; but all returns of the election of township and borough officers shall be enclosed in a sealed cover, directed to the prothonotary of the court of common pleas of the proper county, and shall by some one of *them* be delivered into his office within three days after every such election, and filed therein. In counties where there are three or more judges of said court learned in the law, at least two judges shall sit to compute and certify returns, unless unavoidably prevented. If any of the said judges shall himself be a candi-

date for any office at any election, he shall not sit with the court, or act in counting the returns of such election, and in such cases the other judges, if any, shall act; and if in any county there shall be no judge qualified to hold the said court, under the provisions of this act, present and able to act, then, and in every such case, the register of wills, the sheriff and the county commissioners of the proper county shall be and constitute a board who, or a majority of whom, shall have and exercise all the powers and perform all the duties vested in, or required to be performed by the court of common pleas of such county, by and under the provisions of this section; but none of the said officers shall act as a member of such board when himself a candidate for any office at the election, the returns of which the said board is required to count under the provisions of this section. The returns required by this act to be presented by the prothonotary of the courts of common pleas of Philadelphia and Allegheny, respectively, shall be presented to such two or more of the judges of the several courts of common pleas of said counties, respectively, as the judges of said courts, or a majority of them, may designate to perform the duty of receiving, computing and certifying said returns. When two or more counties, or parts of two or more counties, are connected for the election of any officer, the courts of such counties, or parts of counties, comprising the district, shall each appoint a return judge, resident within such district, to meet within seven days after the day of the election of such officer, at such place as is required by law, or if no place of meeting is designated by law, at such place within such district where the returns of the election of such officer shall, by law be directed to be filed, to compute and certify the vote of such district, and it shall be the duty of the return judges, in such case, to transmit to the person elected, as such officer's certificate of his election, within five days after the day of making up such return. All officers provided for by this act shall be compensated as like officers

are paid by existing laws. Whenever a place has been or shall be provided by the authorities of any city, county, township or borough, for the safe-keeping of ballot-boxes, the judge and minority inspector shall, after the election shall be finished, and the ballot-box or boxes containing the tickets, list of voters and other papers, have been securely bound with tape and sealed, and the signatures of the judge and inspectors affixed thereto, forthwith deliver the same, together with the remaining boxes, to the mayor and *recorder* of such city, or in counties, townships or boroughs, to such person or persons as the court of common pleas of the proper county may designate, at the place provided, as aforesaid, who shall then deposit the said boxes and keep the same to answer the call of any court or tribunal authorized to try the merits of such election. Whenever the election officers of any election district shall require the election boxes of such district to hold any election which, by law, they are or shall be required to hold, they shall keep the same securely in their possession without opening, until the morning of such election, and until they shall severally be sworn or affirmed not to disclose how any elector shall have voted, and after being so sworn or affirmed, they shall open the said boxes and burn and totally destroy all the ballots and other papers which they shall find therein, before proceeding to hold such election," be amended so as to read as follows:

SECTION 13. As soon as the polls shall close the officers of election shall proceed to count all the votes cast for each candidate voted for and make a full return of the same in triplicate, with a return sheet in addition, in all of which the votes cast for each candidate shall be given after his or her name, first in words and again in figures, and shall be signed by all of said officers and certified by overseers, if any, or if not so certified, the overseers and any officer refusing to sign or certify, or either of them, shall write

upon each of the returns his or their reasons for not signing or certifying them. The vote, as soon as counted, shall also be publicly and fully declared from the window to the citizens present, and a brief statement showing the votes received by each candidate shall be made and signed by the election officers as soon as the vote is counted, and the same shall be immediately posted up on the door of the election house for information of the public. The triplicate returns shall be enclosed in envelopes and be sealed in presence of the officers, and one envelope, with the unsealed return-sheet, given to the judge, which *envelope* shall contain *also* one list of voters, tally-paper, and oaths of officers, and another of said envelopes shall be given to the minority inspector, *and the third of said triplicate returns shall be placed in the box and sealed up with the ballots as now provided by law.* All judges living within twelve miles of the prothonotary's office, or within twenty-four miles, if their residence be in a town, village or city upon the line of a railroad leading to the county seat, shall, before two o'clock post meridian of the day after the election, and all other judges shall, before twelve o'clock meridian of the second day after the election, deliver said return, together with their return sheet, to the prothonotary of the court of common pleas of the county, which said return sheet shall be filed, and the day and hour of filing marked thereon, and shall be preserved by the prothonotary for public inspection. At twelve o'clock on the said second day following any election, the prothonotary of the court of common pleas shall present the said returns to the said court. In counties where there is no resident president judge, the associate judges shall perform the duties imposed upon the court of common pleas, which shall convene for said purpose; the returns presented by the prothonotary shall be opened by said court and computed by such of its officers and such sworn assistants as the court shall appoint, in the presence of the judge or judges of said court, and the

returns certified and certificates of election issued under the seal of the court as is now required to be done by return judges; and the vote as so computed and certified shall be made a matter of record in said court. The sessions of the said court shall be open to the public. *It shall be the duty of the court upon the petition of ten qualified electors of any ward, township or borough containing more than two election districts to open two ballot-boxes selected by lot from such ward, township or borough, and to recount the votes.* *It shall likewise be the duty of the court upon the sworn petition of ten qualified electors of any county, setting forth any specific act of fraud which upon information which they consider reliable they believe has been committed in any election district of said county to open the ballot-box of such district and recount the votes;* *Provided, That in either case such petition shall be presented within three days after the day the returns are brought into court for computation.* And in case the returns of any election district shall be missing when the returns are presented, or where fraud or mistake is apparent on the return, the court *may open the ballot-box of such district and count the votes.* And if in the judgment of the court it shall be necessary to a just return, said court shall issue summary process against the election officers and overseers, if any, of the election district complained of, to bring them forthwith into the court, with all election papers in their possession. And if mistake or fraud shall be discovered, it shall, upon such hearing as shall be deemed necessary to enlighten the court, be corrected by the court, and so certified. Nothing in this act shall require the returns of elections of township or borough officers to be made to the court as directed in this section, but all returns of the election of township and borough officers shall be enclosed in a sealed cover, directed to the prothonotary of the court of common pleas of the proper county and shall by some one of *the election officers,* be delivered into his office within three days after every such elec-

tion and filed therein. In counties where there are three or more judges of said court learned in the law, at least two judges shall sit to compute and certify returns, unless unavoidably prevented. If any of said judges shall himself be a candidate for any office at any election, he shall not sit with the court, or act in counting the returns of such election, and in such cases the other judges, if any, shall act; and if in any county there shall be no judge qualified to hold the said court, under the provisions of this act, present and able to act, then, and in every such case, the register of wills, the sheriff and the county commissioners of the proper county shall be and constitute a board who, or a majority of whom, shall have and exercise all the powers and perform all the duties vested in, or required to be performed by the court of common pleas of such county, by and under the provisions of this section; but none of the said officers shall act as a member of such board when himself a candidate for any office at the election, the returns of which the said board is required to count under the provisions of this section. The returns required by this act to be presented by the prothonotary of the court of common pleas of Philadelphia and Allegheny Counties, respectively, shall be presented to such two or more of the judges of the several courts of common pleas of said counties, respectively, as the judges of said courts, or a majority of them, may designate to perform the duty of receiving, computing and certifying said returns. When two or more counties, or parts of two or more counties, are connected for the election of any officer, the courts of such counties, or parts of counties, comprising the district, shall each appoint a return judge, resident within such district, to meet within seven days after the day of the election of such officer, at such place as is required by law, or if no place of meeting is designated by law, at such place within such district where the returns of the election of such officer shall, by law, be directed to be filed, to compute and certify the vote of such district, and

it shall be the duty of the return judges, in such cases, to transmit to the person elected, *one of the returns* as such officer's certificate of his election, within five days after the day of making up such return. All officers provided for by this act shall be compensated as like officers are paid by existing laws. Whenever a place has been or shall be provided by the authorities of any city, county, township or borough, for the safe keeping of ballot-boxes, the judge and minority inspector shall, after the election shall be finished, and the ballot-box or boxes containing the tickets, list of voters and other papers, have been securely bound with tape and sealed, and the signatures of the judge and inspectors affixed thereto, forthwith deliver the same, together with the remaining boxes, to the mayor and *prothonotary* of such city, or in counties, townships or boroughs, to such person or persons as the court of common pleas of the proper county may designate, at the place provided, as aforesaid, who shall then deposit the said boxes and keep the same to answer the call of any court or tribunal authorized to try the merits of such election. Whenever the election officers of any election district shall require the election boxes of such district to hold any election which, by law, they are or shall be required to hold, they shall keep the same securely in their possession without opening, until the morning of such election and until they shall severally be sworn or affirmed not to disclose how any elector shall have voted, and after being so sworn or affirmed, they shall open the said boxes and burn and totally destroy all the ballots and other papers which they shall find therein, before proceeding to hold such election.

# EXHIBIT S

## DIVISION OF ELECTION DISTRICTS

### AN ACT

Providing for the division of election districts in cities of more than one hundred thousand inhabitants.

SECTION 1. *Be it enacted, etc.*, That whenever at any election more than two hundred and fifty votes shall have been polled in any district in a city of over one hundred thousand inhabitants, it shall be the duty of the county commissioners of the county in which such city is located, within three months after such election, to commence appropriate proceedings in the Court of Quarter Sessions of such county for the purpose of dividing such district.

## EXHIBIT T

### CHANGE OF POLLING PLACES

*Codification, Sections 156 to 159.*

*Purpose: To provide a comprehensive and exclusive method of changing polling places.*

#### AN ACT

Providing the method of changing polling places.

**SECTION 1.** Be it enacted, etc., That it shall be lawful for the county commissioners of any county, at any time not less than three weeks prior to any election or registration day, for any reason that may seem proper to the county commissioners, upon a petition of at least ten qualified electors of any election district within the county, to change the polling place of said district. Upon presentation of any such petition, the county commissioners shall fix a time for a hearing thereon, which shall be not less than five, nor more than ten days after the filing of the petition, and notice of such hearing shall be posted for at least four days prior thereto on a public bulletin board in the office of the county commissioners, and also on the outside of the polling place. At such hearing, any qualified elector of the election district shall have the right to appear and to be heard, either in favor of or against such change; provided that the county commissioners may, in their discretion, direct that an election be held to determine the question where such polling place shall be located.

**SECTION 2.** It shall likewise be lawful for the county commissioners at any time within three weeks of any election or registration day, whenever the existing polling place for any reason has been rendered unavailable within four weeks of the date of such election or registration day, upon

the petition of at least ten qualified electors of the district, to change the polling place of such district. Upon presentation of such petition, the county commissioners shall fix a time for a hearing thereon, of which at least one day's public notice shall be given in the manner provided in section one of this act, and at such hearing any qualified elector of the district may appear and be heard, either for or against the proposed change.

SECTION 3. It is intended by this act to furnish a complete, comprehensive and exclusive system for changing the location of the polling places within the commonwealth, and all acts or parts of acts inconsistent herewith are hereby repealed.

## EXHIBIT U

### ARRANGEMENT OF VOTING ROOM

*Amendment to Act of 1893, P. L. 419.*

*Codification, Sec. 194.*

*Purpose: To improve the physical condition of polling places.*

#### AN ACT

To amend section nineteen of an act entitled "An Act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," approved the tenth day of June, one thousand nine hundred and three.

**SECTION 1.** *Be it enacted, etc.*, That section nineteen of an act entitled: "An Act to regulate the nomination and election of public officers requiring certain expenses incident thereto to be paid by the several counties and punishing certain offenses in regard to such elections," approved the tenth day of June, 1893 (P. L. 419), which reads as follows:

"**SECTION 19.** The county commissioners of each county shall provide for each election district therein, at each election, a room large enough to be fitted up with voting shelves and a guard rail as hereinafter provided. If in any district no such room can be rented or otherwise obtained, the said commissioners shall cause to be constructed for such district a temporary room of adequate size to be used as a voting room. They shall also cause all the said rooms to be suitably provided with heat and light, and with a sufficient number of voting shelves or compartments at or in which voters may conveniently mark their ballots, with a curtain, screen or door at the upper part of the front of each compartment, so that in the marking there-

of they may be screened from the observation of others, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting shelves or compartments. The arrangement shall be such that neither the ballot box nor the voting booths shall be hidden from view of those just outside the said guard-rail. The number of such voting shelves or compartments shall not be less than one for every seventy-five names on the assessor's lists; but shall not in any case be less than three *for the voters qualified to vote at such voting place.* No persons other than the election officers and voters admitted as hereinafter provided, shall be permitted within the said rail, except by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots," be amended to read as follows:

SECTION 19. The county commissioners of each county shall provide for each election district therein at each election a room large enough to be fitted up with voting shelves and a guard rail as hereinafter provided. If in any district no such room can be rented or otherwise obtained, the said commissioners shall cause to be constructed within such district a temporary room of adequate size to be used as a voting room. *Every room used as a voting room shall be on the ground floor, shall have at least one window looking out upon the highway at the front of the building in which the polling place may be located, and shall contain at least two hundred square feet of floor space.* The said commissioners shall cause each of said rooms to be suitably provided with heat and light, and with *at least the number of voting compartments hereinafter specified* in which voters may conveniently mark their ballots, with a curtain, screen or door at the upper part of the front of each compartment,

so that in the marking of their ballots the voters may be screened from the observation of others, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting shelves or compartments. *Such guard rail shall not consist merely of a rope or chain, but shall be of rigid construction.* The number of voting compartments shall not be less than one for every seventy-five names on the assessor's list, and shall not in any case be less than three. The polling place shall be so arranged that neither the ballot-box nor the front of the voting compartment shall be concealed from the view of those just outside the guard-rail. No persons other than the election officers and voters as hereinafter provided shall be permitted within the said rail, except police officers who may be admitted by authority of the election officers for the purpose of keeping order and enforcing the law. Each voting shelf or compartment shall be kept provided with proper supplies and conveniences for marking the ballots.

## EXHIBIT V

*Amendment of Act of 1903, P. L., 217.  
Codification, Section 217.*

*Purpose: To provide for the payment of mileage for returning the ballot boxes after the election.*

### AN ACT

To amend section seventy-four of an act entitled "An Act relating to the elections of this Commonwealth," approved the second day of July, one thousand eight hundred and thirty-nine, by providing for the payment of mileage to inspectors of election for delivering the ballot boxes to the justice of the peace after the election.

*Be it enacted, etc.,* That section seventy-four of an act entitled "An Act relating to the election of this Commonwealth" approved the second day of July one thousand eight hundred and thirty-nine as amended by section one of an act approved the sixteenth day of April A. D. 1903, which reads as follows:

"SECTION 74. As soon as the election shall be finished, the tickets, list of taxables, one of the lists of voters, the tally-papers and one of the certificates of the oath or affirmation taken and subscribed by the inspectors, judges and clerks, shall all be carefully collected and deposited in one or more of the ballot-boxes; and such box or boxes, being closely bound round with tape, shall be sealed by the inspectors and judge of the election, and together with the remaining ballot-boxes, shall within one day thereafter be delivered by one of the inspectors to the nearest justice of the peace, who shall keep such boxes containing the tickets and other documents, (said justice of the peace to receive the sum of three dollars per year, for all services rendered in the care of the ballot-box or boxes placed in his custody, said sum to be paid by the county treasurer upon an order drawn by the county commissioners,) to answer the call of any persons or tribunal authorized to try the merits of such

election and the other list of voters, tally-papers and certificates, shall be inclosed by the said inspectors and judge in a sealed cover, directed to the prothonotary of the court of common pleas of the county and shall by some one of them be delivered into his office within three days thereafter, where the same shall be filed," be amended so as to read as follows:

SECTION 74. As soon as the *count* shall be finished, the tickets, list of taxables, one of the lists of voters, the tally-papers and one of the certificates of the oath or affirmation taken and subscribed by the inspectors, judges and clerks, and shall all be carefully collected and deposited in one or more of the ballot-boxes; and such box or boxes, being closely bound round with tape, shall be sealed by the inspectors and judge of the election, and together with the remaining ballot-boxes, shall within one day thereafter be delivered by one of the inspectors to the nearest justice of the peace, who shall keep such boxes containing the tickets and other documents, (said justice of the peace to receive the sum of three dollars per year, for all services rendered in the care of the ballot-box or boxes placed in his custody, said sum to be paid by the county treasurer upon an order drawn by the county commissioners,) to answer the call of any persons or tribunal authorized to try the merits of such election and the other list of voters, tally-papers and certificates, shall be inclosed by the said inspectors and judge in a sealed cover, directed to the prothonotary of the court of common pleas of the county and shall by some one of them be delivered into his office within three days thereafter where the same shall be filed. *For the distance necessarily travelled in delivering the ballot-boxes to the nearest justice of the peace as aforesaid such inspector shall be entitled to receive the same mileage as is allowed by law to judges of election for delivering the returns of township elections to the prothonotary.*



## Condensed Memorandum of the Election Laws of the Various States

DATA COLLECTED AND COLLATED BY WILLIAM H. HAY, SECRETARY OF THE  
COMMISSION TO REVISE AND CODIFY THE ELECTION LAWS OF PENNSYLVANIA

CORRECTED TO JANUARY 1, 191

STATE	REGISTRATION (Metres no.)	NOMINATION (Method of)	BALLOT FORM OF GENERAL ELECTION	WOMEN VOTE	WHAT ELECTIONS	WOMAN SUPPILY ACCEPTED	INITIATIVE	REFERENCE	RECALL	INT. REP. ACC'DG. WIVES ACCEPTED	PRO- FAMILIAL FEDERAL PRIVACY PROTEC.	SENATORIAL PREFERENCE VOTE	
1 ALABAMA	Personal registration and party enrollment	Party Primary	*New York	No.		No.	No.	No.	No.	No.	No.	Yes	1
2 ARKANSAS	List of voters kept by "poll-takers" and "poll collectors"	Party Primary Direct	*Massachusetts	No.		Yes	Yes	Yes	1910.	No.	No.	Yes	2
3 ARIZONA	Personal registration and party enrollment	Uniform Primary Direct	New York	Yes	Equal suffrage	1912.	Yes	Yes	1912.	No.	No.	Yes	3
4 CALIFORNIA	Personal registration and party enrollment	Uniform Primary Direct	Massachusetts	Yes	Equal suffrage	1911.	Yes	Yes	1911.	No.	No.	Yes	4
5 COLORADO	Personal registration and party enrollment	Uniform Primary Direct	Massachusetts	Yes	Equal suffrage	1893.	Yes	Yes	1912.	No.	No.	Yes	5
6 CONNECTICUT	Personal registration and party enrollment	Party Primary	New York	Yes	School suffrage	1893.	No.	No.	No.	No.	No.	No.	6
7 DELAWARE	Personal registration	Uniform Primary Direct	New York	Yes	(School suffrage for tax paying women)	1898.	No.	No.	No.	No.	No.	No.	7
8 FLORIDA	Personal registration	Party Primary Direct	Massachusetts	No.			No.	No.	No.	No.	No.	Yes	8
9 GEORGIA	Personal registration	Party Primary	No legal form	No.			No.	No.	No.	No.	No.	Yes	9
10 IDAHO	Personal registration	Uniform Primary Direct	New York	Yes	Equal suffrage	1896.	Yes	Yes	1912.	No.	No.	Yes	10
11 ILLINOIS	Personal registration	Uniform Primary Direct	New York	Yes	School suffrage	1891.	Conducted under a law known as "public utility law"	No.	No.	No.	No.	Yes	11
12 INDIANA	By list kept by "poll-takers"	Uniform Primary Direct	New York	No.			No.	No.	No.	No.	No.	No.	12
13 IOWA	Personal registration	Uniform Primary Direct	N. Y. without party squares	Yes.	Bond suffrage	1891.	Only cities	Only cities	No.	No.	No.	Yes	13
14 KANSAS	Personal registration	Uniform Primary Direct	New York	Yes	Equal suffrage	1912.	No.	No.	No.	No.	No.	Yes	14
15 KENTUCKY	Personal registration	Party Primary	N. Y. with party emblem	No.			No.	No.	No.	No.	No.	No.	15
16 LOUISIANA	Personal registration and party enrollment	Uniform Primary Direct	New York	No.			No.	No.	No.	No.	No.	No.	16
17 MAINE	Personal registration	Uniform Primary Direct	Massachusetts	No.			No.	No.	No.	No.	No.	Yes	17
18 MARYLAND	Personal registration	Uniform Primary Direct	Massachusetts	No.			No.	No.	No.	No.	No.	No.	18
19 MASSACHUSETTS	Personal registration and party enrollment	Uniform Primary Direct	Massachusetts	Yes	School suffrage	1897.	No.	No.	No.	No.	No.	Yes	19
20 MICHIGAN	Personal registration and party enrollment	Uniform Primary Direct	New York	Yes	(Tax paying suffrage)	1908.	No.	No.	No.	No.	No.	Yes	20
21 MINNESOTA	Personal registration	Uniform Primary Direct	Massachusetts	Yes	Equal suffrage	1912.	No.	No.	No.	No.	No.	Yes	21
22 MISSISSIPPI	Personal registration	Party Primary Direct	No.	Yes.	School suffrage and right to vote for Library Trustees	1898.	No.	No.	No.	No.	No.	No.	22
23 MISSOURI	Personal registration	Uniform Primary Direct	Separate official ballot for each party	No.			No.	No.	No.	No.	No.	No.	23
24 MONTANA	Personal registration	Party Primary	N. Y., but without party circle	Yes	Tax paying suffrage	1897.	Yes	Yes	No.	1908.	No.	Yes	24
25 NEBRASKA	Personal registration and party enrollment	Uniform Primary Direct	Mass. with party square	Yes.	School suffrage	1893.	Yes	Yes	1912.	No.	No.	Yes	25
26 NEVADA	Personal registration and party enrollment	Uniform Primary Direct	Massachusetts	No			No.	Yes	No.	1909.	No.	Yes	26
27 NEW JERSEY	Personal registration and party enrollment	Uniform Primary Direct	Massachusetts	Yes	School suffrage	1897.	Cities	Cities	1911.	Yes	Yes	27	
28 NEW HAMPSHIRE	Personal registration	Uniform Primary Direct	New York	Yes	School suffrage	1818.	No	No.	No.	No.	No.	No.	28
29 NEW MEXICO	Personal registration	Party Primary Direct	No legal form	Yes	School suffrage	1910.	Yes	Yes	1912.	No.	No.	29	
30 NEW YORK	Personal registration and party enrollment	Uniform Primary Direct	New York	Yes	School suffrage and tax paying suffrage in towns and villages	1901.	No.	No.	No.	No.	No.	No.	30
31 SOUTH CAROLINA	Personal registration	Party Primary	No Legal Form	No.			No.	No.	No.	No.	No.	No.	31
32 NORTH DAKOTA	List of voters kept by "super-visors"	Uniform Primary Direct	N. Y., but candidates name not in nearer than our column	Yes.	School suffrage	1897.	No.	No.	No.	No.	No.	Yes	32
33 OHIO	Personal registration	Uniform Primary Direct	New York	Yes	School suffrage	1891.	Yes	Yes	1912.	No.	No.	Yes	33
34 OKLAHOMA	List of voters kept by "super-visors"	Uniform Primary Direct	Massachusetts	Yes	School suffrage	1907.	Yes	Yes	1907.	No.	No.	Yes	34
35 OREGON	Personal registration	Uniform Primary Direct	Massachusetts	Yes	School suffrage	1912.	Yes	Yes	1908.	Yes	Yes	35	
36 PENNSYLVANIA	Personal registration	Uniform Primary Direct	Moss, but with party square	No.	Equal suffrage		No.	No.	No.	No.	No.	No.	36
37 RHODE ISLAND	List of voters kept by "town clerk"	Party Primary	New York	No.			No.	No.	No.	No.	No.	No.	37
38 SOUTH CAROLINA	Personal registration	Party Primary	No Legal Form	No.			No.	No.	No.	No.	No.	No.	38
39 SOUTH DAKOTA	Personal registration and party enrollment	Uniform Primary Direct	N. Y., but candidates name not in nearer than our column	Yes.	School suffrage	1891.	Yes	Yes	1912.	No.	No.	Yes	39
40 TENNESSEE	Personal registration	Party Primary	New York	Yes	School suffrage	1891.	No.	No.	No.	No.	No.	No.	40
41 TEXAS	Personal registration	Party Primary	Massachusetts without party designation	No.	Digital suffrage deflected	1897.	No.	No.	No.	No.	No.	No.	41
42 UTAH	Personal registration	Party Primary	N. Y. without party circle	No.	Digital suffrage deflected	1910.	No.	No.	No.	No.	No.	No.	42
43 VERMONT	List of voters kept by "selectmen"	Party Primary	N. Y. with party emblem	Yes.	Equal suffrage	1896.	No.	No.	No.	No.	No.	No.	43
44 VIRGINIA	Personal registration	Party Primary	New York	Yes	School suffrage	1880.	No.	No.	No.	No.	No.	No.	44
45 WEST VIRGINIA	Personal registration	Party Primary	Massachusetts without party designation	No.			No.	No.	No.	No.	No.	No.	45
46 WASHINGTON	Personal registration and party enrollment	Uniform Primary Direct	New York	Yes	Equal suffrage	1910.	Yes	Yes	1912.	No.	No.	Yes	46
47 WISCONSIN	Personal registration	Uniform Primary Direct	Massachusetts without party designation	No.	Equal suffrage	1900.	No.	No.	No.	No.	No.	Yes	47
48 WYOMING	Personal registration and party enrollment	Uniform Primary Direct	Moss	Yes.	Equal suffrage	1912.	No.	No.	No.	No.	No.	Yes	48

*Massachusetts Ballot*—For convenience in classification this form of ballot with columns arranged as follows to allow, without many classifications,

**New York Ballot**—The form of ballot with party columns, and party circle or square, is referred to as New York form.

o Unless otherwise specified, "Uniform Primary Direct" means a primary conducted by the State to which some or all of the nominations are made directly, and not through conventions. "Party Primary Direct" means a similar primary not conducted by the State, but by the party. And "Party Primary" means a primary conducted by the party in which no nominations are made directly.

In the words "Personal Registration" the first term that applies registration is statewide which no nominations are made directly.

*c Preference primary provided for by party regulation only, unless by statute.*

RECAPITULATION.		Woman Suffrage.	
17 States	Equal suffrage	.....	0 States
21 States	Limited suffrage	.....	19 States
7 States			
	<i>Initiative, Referendum and Recall.</i>		
37 States	Initiative	.....	15 States
1 States	Referendum	.....	10 States
14 States	Recall	.....	8 States
	<i>Preference Primary.</i>		
27 States	Presidential	.....	12 States
15 States	Senatorial	.....	28 States
1 States			
3 States			



# MINORITY REPORT

OF THE

## COMMISSION

TO

# Revise and Codify the Election Laws of Pennsylvania

MADE BY

WILLIAM COLEMAN FREEMAN

TO

The Senate and House of Representatives  
of the Commonwealth of Pennsyl-  
vania, in General Assembly at  
the Session of 1913

---

## SUBJECTS

Extension of Direct Primary System,  
Government of Cities by Commission,  
Woman Suffrage, Short Ballot,  
Assistance to Voters, Limitation of Campaign Expenditures,  
Memoranda Election Laws of Various States.

## BILLS ANNEXED

Commission Form of Government for Cities, including Initiative,  
Referendum and Recall.

Extending Method of Nomination by Direct Vote to include all  
Elective State Officers and Preference Vote for U. S. Senator.

Presidential Preference Primary.



*To the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly:*

Having had the honor to be appointed a member of the Commission to Codify and Revise the Election Laws of Pennsylvania, by the Governor of the Commonwealth, in pursuance of a joint resolution approved the thirteenth day of May, A. D. 1909, I herewith present the following report, dissenting herein from some of the views expressed in the one presented by my colleagues.

Attached to this report are three bills, which I present, trusting for the favorable action thereon of your honorable bodies, providing for:

1. Commission Form of Government for Cities, Boroughs and Towns, including Initiative, Referendum and Recall. (*See page 18.*)

2. The abolition of State conventions by the extension of the method of nomination by the direct vote of the people so as to include the offices of Governor, Lieutenant-Governor, Secretary of the Commonwealth, State Treasurer, Auditor-General and Secretary of Internal Affairs. (*See page 9.*)

(a). A direct vote by the elector for his preference of the candidates for the office of United States Senator, is also provided by this bill.

(b). A requirement that candidates for the office of State Senator, or member of the State House of Representatives, shall sign an anti-election statement that he will, or will not, if elected, vote for that candidate for United States Senator who receives the highest number of votes, is also provided by this bill.

3. Presidential Preference Primary, which provides for the direct expression of the choice of the people for a candidate for the office of President of the United States. (*See page 40.*)

#### **EXTENSION OF DIRECT PRIMARY SYSTEM.**

Nation-wide changes in the election laws of the various commonwealths have been made in recent years. But in no time have the revisions been so numerous and so marked as during the past two years, when nearly one-half of the States have radically altered their election laws. The new acts in every instance, including other improvements, were evidently drawn for the main purpose of placing the function of naming candidates for elective public place in the hands of the people by means of the direct primary system.

Many have been led to suppose by its opponents that the direct primary system is a fad, an experiment. As a matter of fact the method is as old as the history of our government, and the "town-hall meetings" as conducted by our grandsires was the first expression of the direct primary.

Thirty-four states now nominate by means of the direct primary. Twenty-eight of these states have extended the system to nomination of candidates for United States Senator and twelve have included Presidential preference primaries. New York, Massachusetts, New Jersey, Illinois, Ohio, Nebraska, Oregon, Colorado, New Mexico, South Dakota, Wyoming, Kansas, Washington, Wisconsin and California are among the states that have made changes in their election laws within the past two years.

The rapid spread of the direct primary system, its great favor with the people, I submit, is a verdict in confirming my belief that the direct primary should not only be extended to all of the elective offices in the Commonwealth of Pennsylvania, but to the naming of the United State Senators, and as a means of giving the people of the Commonwealth an opportunity for the individual expres-

sion of their preference for a candidate for President, hence the bill that I have prepared and made a part of this report.

### **GOVERNMENT OF CITIES BY A COMMISSION.**

Recognizing a widespread desire on the part of a number of cities in this Commonwealth to adopt commission government, after studying the various laws of other States on the subject, I instructed the Secretary of the Commission, William H. Hay, to draft a bill on the lines of the New Jersey Act. This bill, through its provisions, permits cities to adopt commission government by the vote of the people.

The success of commission government in the rebuilding of Galveston, Texas, attracted the attention of the country to the possibilities of the system of governing cities by a commission. Des Moines, Iowa, was one of the first to apply it to the administration of its civic affairs. Boston, Massachusetts, soon followed, and it is now in force in over two hundred cities in the country.

In regard to the question of the Initiative, Referendum and Recall, these institutions are provided for in the accompanying bill for commission form of government for cities. Provision has been made therein that every city having a population of one million or above shall be governed by a Board of seven Commissioners; over one hundred thousand, by five, and under one hundred thousand, by three Commissioners. After their election the members elect one of their number "Mayor." The Board of Commissioners shall have and possess all administrative, judicial and legislative powers and duties now exercised by the Mayor, the Directors, and the City Council. The duties, according to the number of Commissioners, are divided into departments, as follows:

In cities governed by a Board of Seven Commissioners:

1. Department of Public Affairs.

2. Department of Revenue and Finance.
3. Department of Public Safety.
4. Department of Public Works and Highways.
5. Department of Parks and Public Property.
6. Department of Health, Sanitation and Charities.
7. Department of Supplies.

In cities governed by a Board of Five Commissioners:

1. Department of Public Affairs
2. Department of Revenue, Finance and Supplies.
3. Department of Public Safety and Public Property.
4. Department of Public Works and Highways.
5. Department of Health, Sanitation and Charities.

In cities governed by a Board of Three Commissioners:

1. Department of Public Affairs, Public Safety, Public Health and Sanitation.
2. Department of Revenue, Finance and Supplies.
3. Department of Public Works, Highways and Public Property.

Believing, as I do, in the short ballot and in the concentration of responsibility in the government of municipalities, I am constrained to strongly urge the passage of an act which will enable its adoption by cities in this Commonwealth which desire government by commission.

#### **WOMAN SUFFRAGE.**

I cannot concur in the action of my colleagues in returning with a negative recommendation a bill to amend the Constitution to provide for equal suffrage. This bill was referred to the Commission by the State Senate Committee on Judiciary General.

Twenty-eight states have legislated the right to vote to women, nine of the states having equal suffrage. There is sufficient demand for this legislation as to justify a doubt as to the desires of the people of this Commonwealth. The question of equal suffrage is one of such importance that I feel we have no right to deny the people the privilege of voting upon it.

States having equal suffrage, including the date of such legislation, are: Wyoming, 1869; Colorado, 1893; Idaho, 1896; Utah, 1896; California, 1911; Arizona, 1912; Kansas, 1912; Oregon, 1912, and Washington, 1910.

I therefore recommend the passage of a Constitutional Amendment permitting the people of Pennsylvania to vote upon this measure. In making this recommendation, I wish to emphasize the fact that it is not to be taken as an expression of my personal views upon Woman Suffrage. I am prompted to assume this position by a sense of fair play, and a desire to see this question settled by the people.

#### SHORT BALLOT.

In many instances the ballot can be shortened only by means of Constitutional Amendment, but the demand is so widespread that it seems proper to call attention to some of the things that could be thus accomplished.

State officers, such as State Treasurer, Auditor-General and Secretary of Internal Affairs, are business officers, requiring chiefly business experience coupled with honesty. Popular interest in these offices is at a minimum. Nor are the people of the entire State in a position to judge of the business qualifications of the candidates by their appearance on the stump. How can a voter in an eastern county be expected to pass upon the qualifications of a candidate for State Treasurer from Pittsburgh, for example. Political considerations enter too much into the selection of men to fill State offices of a business character—often to the detriment of the people.

The Constitution should be so altered as to provide for the appointment by the Governor of the Auditor-General, State Treasurer, and Secretary of Internal Affairs. With this added power in the hands of the Governor, the people would be even more careful in selecting the best candidate for this position. I am convinced that the more important the office of Governor is made, and the greater the power bestowed, the more care will be exercised in filling this office. And in the event of poor appointments, the people may know just where to place the responsibility.

If the power to appoint State officers was vested in the Governor, a safeguard could be provided, if desired, through a provision for their recall by the Legislature at its biennial session, or by popular vote. If by the latter, I would favor the system of Party Recall. For my part, I do not believe in recall except as applied to Commission Form of Government for Cities, where it is a necessary safeguard.

#### **ASSISTANCE OF VOTERS.**

Under the General Election Laws of this State, "if any voter declares to the judge of election that by reason of any disability he desires assistance in the preparation of his ballot, he shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment." Under the laws of this State regulating Uniform Primaries \* \* \* no elector shall be permitted to receive any assistance in marking his ballot, unless he shall first make an affidavit that he cannot read the names on the ballot, or that by reason of physical disability he is unable to mark his ballot." Gross abuses have grown up under the provisions of the former law, and I am heartily in favor of regulating the assistance of voters at General Elections in a manner now applying at Uniform Primaries. It has been urged that it would be too difficult to enforce such limitations in assistance at General Elec-

tions, but if separate ballot systems, which the Commission has recommended shall be adopted, there can be no good reason why voters should not be thus limited in their assistance to cast their ballots. During the session of the Legislature of 1907, I spoke in favor of a bill, then proposed, applying these provisions to the General Election, and in accordance with my position then taken, I urgently recommend the enactment into a law of this additional safeguard to honest elections.

Since then I have joined my colleagues on the Commission in recommending the enactment of a similar provision contained in the report of the Commission to the Legislature of 1911, and I earnestly concur in the same recommendation which is repeated in the majority report.

#### **LIMITATION OF CAMPAIGN EXPENDITURES.**

I have not prepared a bill covering this subject, but I desire to bring this matter to the attention of the Legislature in the hope that some law will be enacted which will limit the amount of money a candidate for public office may lawfully expend. Public office is not a chattel, to be purchased by the highest bidder. It is a public trust. Too often have men attained office, not by reason of their ability, but only because of the lavish expenditure of money. And while the Corrupt Practice Act defines the purposes for which money may be spent, it places no limit upon the amount. The amount to which a candidate should be limited should be based upon a consideration of the salary, and the size of the constituency. The recent act of Congress, limiting the amount which candidates for the United States Senate and the House of Representatives may lawfully expend, is a step in the right direction, which should enable the candidate of moderate means to compete with his more wealthy rival. It now remains for the State to continue the good work by placing proper restrictions upon the expenditures of candidates for state, county and municipal offices.

## CONDENSED MEMORANDUM OF THE ELECTION LAWS OF THE VARIOUS STATES.

There will accompany the majority report, as a part of the same, a comprehensive digest of the election laws of the various States. I commend this digest to the members of your honorable bodies as a ready means of obtaining valuable information in re the election laws of our sister States. The data for this digest was collected and arranged by Mr. William H. Hay, the Secretary of the Commission.

A recapitulation of this digest shows the following interesting facts:

### RECAPITULATION.

#### *Registration.*

Personal Registration and Party Enrollment, 17 States	
Personal Registration without Party Enrollment .....	24 States
Other methods .....	7 States

#### *Nomination.*

Uniform Primary Direct .....	30 States
Party Primary Direct ..	4 States
Party Primary .....	14 States

#### *Ballot.*

New York Form .....	27 States
Massachusetts Form ...	15 States
No Legal Form .....	4 States
Other .....	2 States

#### *Woman Suffrage.*

Equal Suffrage .....	9 States
Limited Suffrage .....	19 States

#### *Initiative, Referendum and Recall.*

Initiative .....	15 States
Referendum .....	16 States
Recall .....	8 States

#### *Preference Primary.*

Presidential .....	12 States
Senatorial .....	28 States

I concurred in and voted in favor of the bills which will be submitted with the report of my colleagues providing for a State-wide party enrollment; a system of selling poll taxes at the polls on registration days; the separate ballot system; designating a single court for filing applications for preempting party names and increasing the number of signers to the petition for the same; and providing for the payment of mileage to the inspector in country districts for returning ballot boxes after the election.

Respectfully submitted,

WILLIAM COLEMAN FREEMAN

# UNIFORM PRIMARIES

## AN ACT

To amend an amendment approved April sixth, nineteen hundred and eleven, of an act "Providing a uniform method of electing certain party officers, and delegates to the State and National conventions, and of making nomination to certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violations of its provisions," approved the seventeenth day of February, Anno Domini one thousand nine hundred and six, by providing that all candidates for elective public offices now nominated by delegates to State conventions shall be nominated by direct vote or as otherwise specified; providing that the names of candidates for the office of United States Senator shall be placed on the official primary election ballots of their respective parties; providing that candidates for the Legislature shall make and sign statements regarding vote on United States Senator; providing for the number of signers to the nominating petition for candidates for the office of Governor, Lieutenant-Governor, Secretary of the Commonwealth, State Treasurer, Auditor-General, and Secretary of Internal Affairs; providing that the signed consent of the candidates shall accompany every petition to place his name upon the primary ballot; providing that no candidate's name shall be printed upon the ballot of more than one party, except with the consent of every such party, and providing for the withdrawal of candidates.

SECTION 1. *Be it enacted, etc.*, That section two of an act, entitled "An act providing a uniform method of electing certain party officers and delegates to the State and National conventions, and of making nominations for certain public offices; providing for the payment of the expenses of the same; making certain violations thereof misdemeanors, and prescribing penalties for the violations of its provisions," approved February seventeenth, Anno Domini one thousand nine hundred and six, which reads as follows, to wit:

SECTION 2. From and after the approval of this act one primary shall be held each year, in every election district of this Commonwealth in which nominations are to be made or delegates or party officers elected as herein provided. The said primaries shall be held on the last Saturday of September in all odd-numbered years, and on the second Saturday of April in all even-numbered years. The primary held on the last Saturday of September shall be known as the Fall primary, and the primary held on the second Saturday of April shall be known as the Spring primary.

Delegates to *State and National* conventions, except delegates-at-large to National conventions, which shall be elected by the State convention, shall be elected at the Spring primary, throughout the Commonwealth, by any party or body of electors one of whose candidates, at either the general or municipal election preceding polled two per centum of the largest entire vote cast in the State for any candidate at the last general election. Candidates for all offices to be filled at the general election with the exception of those nominated by National or *State* conventions, shall be nominated at the Spring primary. Candidates for all offices to be filled at the municipal election shall be nominated at the Fall primary; and such party officers as are provided for by the rules of the several political parties, to be elected by vote of the party electors, shall be elected at the Spring primary, by any political party or body of electors one of whose candidates, at either the general or municipal election preceding such primary, polled two per centum of the largest entire vote cast in the political district, in which nominations are to be made or candidates elected, for any candidate at the last general election.

No delegates to *State or National* conventions, or officers of parties, shall be elected, or candidates for the public offices herein specified, be nominated, in any other manner than as set forth in this act; Provided, That nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein spe-

cifically enumerated, in the manner provided by existing laws; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws.

This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill the vacancies; but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide," be and the same is hereby amended so as to read as follows:

SECTION 2. From and after the approval of this act one primary shall be held each year, in every election district of this Commonwealth in which nominations are to be made or delegates or party officers elected as herein provided. The said primaries shall be held on the last Saturday of September in all odd-numbered years, and on the second Saturday of April in all even-numbered years. The primary held on the last Saturday of September shall be known as the Fall primary, and the primary held on the second Saturday in April shall be known as the Spring primary.

Delegates to National conventions, shall be elected at the Spring primary, throughout the Commonwealth, by any party or body of electors, one of whose candidates at either the general or municipal election preceding polled two per centum of the largest entire vote cast in the State for any candidate at the last general election. Candidates for all offices to be filled at the general election, with the exception of those nominated by National conventions, shall be nominated at the Spring primary. Candidates for all offices to be filled at the municipal election shall be nominated at the Fall primary; and such party officers as are provided for by the rules of the several political parties, to be elected by vote of the party electors, shall be elected at the Spring primary, by any political party or body of electors one of whose candidates, at either the general or municipal election preceding

such primary, polled two per centum of the largest entire vote cast in the political district, in which nominations are to be made or candidates elected, for any candidate at the last general election.

No delegates to National conventions, or officers of parties, shall be elected, or candidates for the public offices herein specified be nominated, in any other manner than as set forth in this act: *Provided, That party candidates for the office of United States senator shall have their names placed in the official primary election ballots of their respective parties, in the manner provided in this act for State officers;* and also provided that nothing herein contained shall prevent the nomination of candidates for borough or township offices, or other offices not herein specifically enumerated, in the manner provided by existing laws; or any association of electors, not constituting a party, from nominating candidates by nomination papers, as is provided by existing laws.

This act shall not apply to the nomination of candidates for Presidential electors, or to the nomination of candidates to be voted for at special elections to fill the vacancies, but it shall not be construed to prevent the nomination of Presidential electors at primaries, if the rules of the respective parties so provide.

SECTION 2. That section three of said act, which reads as follows:

“SECTION 3. On or before the ninth Saturday preceding the primary, the Secretary of the Commonwealth shall send to the county commissioners in each county a written notice, setting forth the number of Congressmen and officers of the Commonwealth not nominated by State conventions, to be elected or voted for therein at the next succeeding election.

On or before the same date, in even numbered years, the chairman of the State Committee of each party shall send to the county commissioners a written notice, setting

forth the number of delegates to be elected in such county to the State and National conventions of such party.

On or before the ninth Saturday preceding the Spring primary the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all party officers to be filled by election at the ensuing primary.

On or before the ninth Saturday preceding the Fall primary, the chairman of the county committee of each party, shall send to the county commissioners of such county a written notice, setting forth the names of all county and city offices to be filled by the election at the ensuing primary.

Upon receipt of such notices, and beginning within one week thereafter, such county commissioners shall publish the number of delegates to be elected to the *State and National* conventions of each party, together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the ensuing primary, at least one week for three successive weeks, in two newspapers of general circulation published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties," be and the same is hereby amended so as to read as follows:

SECTION 3. On or before the ninth Saturday preceding the primary, the Secretary of the Commonwealth shall send to the county commissioners in each county, a written notice, setting forth the number of Congressmen and officers of the Commonwealth to be elected or voted for therein at the next succeeding election; *this notice in a year preceding the election of a United States Senator in Congress shall include that office.*

On or before the same date, in even numbered years, the chairman of the State Committee of each party shall send to the county commissioners a written notice, setting

forth the number of delegates to be elected in such county to the National conventions of such party.

On or before the ninth Saturday preceding the Spring primary, the chairman of the county committee of each party shall send to the county commissioners of such county a written notice setting forth the name of all party offices to be filled by election at the ensuing primary.

On or before the ninth Saturday preceding the Fall primary, the chairman of the county committee of each party shall send to the county commissioners of such county a written notice, setting forth the names of all county and city offices to be filled by the election of the ensuing primary.

Upon receipt of such notices, and beginning within one week thereafter, such county commissioners shall publish the number of delegates to be elected to the National conventions of each party together with the names of all offices for which nominations are to be made or candidates for the party offices to be elected, within the county, at the ensuing primary at least once each week for three successive weeks in two newspapers of general circulation published within the county, wherever such course is possible. Such newspapers, so far as practicable, shall be representative of different political parties.

SECTION 3. That section five of said act which reads as follows:

SECTION 5. The names of candidates shall be printed upon the official ballot of a designated party, upon the filing of petitions, signed by qualified electors of the political district division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated.

The said petition, in the case of candidates for Congress or for State offices, shall be filed at least four weeks prior to the primary, with the Secretary of the Commonwealth; and in all other cases shall be filed, at least three

weeks prior to the primary, with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. Candidates for nomination for members of Congress, Judges of the various courts, and State Senator, two hundred qualified electors.

2. Candidates for nomination for members of the State House of Representatives, and for offices to be voted for by the entire county, fifty qualified electors.

3. Candidates for nomination for all other offices, for delegates to State and National conventions, and for party offices, ten qualified electors," be amended to read as follows:

**"SECTION 5.** The names of candidates shall be printed upon the official ballot of a designated party upon the filing of petitions signed by qualified electors of the political district or division within which the nomination or election is to be made, setting forth that the signers thereof are members of the party designated *and accompanied by the signed consent of the candidate, duly acknowledged in the manner provided for the acknowledgment of deeds: Provided, That after a petition has been filed to place the name of a candidate upon the ballot of any party, no petition shall be filed to place his name upon the ballot of any other party unless he shall first withdraw as a candidate of such party, or unless such petition shall be accompanied by the written consent of every party whose nomination he seeks, signified by the certificate of the chairman of the respective party committees for the political district for which said nomination is to be made, that such committee consents thereto.*

The said petition in the case of candidates for United States Senate, Congress, or for State offices, shall be filed at least four weeks prior to the primary with the Secretary of the Commonwealth, and in all other cases shall be filed

at least three weeks prior to the primary with the county commissioners of the respective counties.

The number of signers shall be as follows:

1. *Candidates for nomination for Governor and United States Senator, 100 qualified electors in each county in the Commonwealth.*

2. *Candidates for nomination for Lieutenant-Governor, Secretary of the Commonwealth, State Treasurer, Auditor-General and Secretary Internal Affairs, fifty qualified electors in each county of the Commonwealth.*

3. Candidates for nomination for members of Congress, Judges of the various courts and State Senators, two hundred qualified electors.

4. Candidates for nomination for members of the State House of Representatives and for offices to be voted for by the entire county, fifty qualified electors.

5. Candidates for nomination for all other offices, for delegates to conventions and for party offices, ten qualified electors.

*Candidates for the office of State Senator, or member of the State House of Representatives, or for election to either of such offices at any primary election next preceding the election of a United States Senator in Congress, shall include with his affidavit, one of the two statements herein-after set forth in this section and subdivision, and his failure to include either of such statements shall be a valid ground on the part of the Secretary of State for refusal to receive and file his nomination paper or papers. Such statements shall be in substantially the following form:*

#### STATEMENT No. 1.

*I further declare to the people of Pennsylvania and to the people of the ..... (senatorial or assembly) district that during my term of office, without regard to any individual preference, I will always vote for that candidate*

for United States Senator in Congress, who shall have received for that office the highest number of votes cast for that position at the general election next preceding the election of a senator in Congress.

.....  
*Signature of Candidate.*

. STATEMENT No. 2.

*I further declare to the people of Pennsylvania and to the people of the ..... (senatorial or assembly) district, that during my term of office, I shall consider the vote of the people for United States Senator in Congress as nothing more than a recommendation, which I shall be at liberty wholly to disregard, if the reasons for so doing seem to me sufficient.*

.....  
*Signature of Candidate.*

*On the ballot used at the primary election, after or under the name of each candidate for state senator, or assemblyman, shall appear the words, "Signed statement No. 1" or "Signed statement No. 2" according as the candidate included with his affidavit "Statement No. 1," or "Statement No. 2." And the wording of both "Statement No. 1" and "Statement No. 2" shall appear at length on the face of the ballot in a convenient and conspicuous place.*

*Any person for whom a petition has been filed as aforesaid may, at any time up to ten days before the primary, withdraw his name with the same effect as if such petition had never been filed, by filing in the office in which such petition was filed his written withdrawal, duly acknowledged in the manner provided for the acknowledgment of deeds.*

# COMMISSION GOVERNMENT FOR CITIES, ETC.

## AN ACT

Relating to, regulating and providing for the government of cities, towns, boroughs and other municipalities within this State.

*Be it enacted, etc.*

1. All cities, towns, boroughs and other municipalities of this State that hereinafter adopt the provisions of this act shall be governed as herein set forth, and wherever the word "city" or "cities" appears in this act, it shall be construed to mean "town" or "towns," "borough" or "boroughs," or other "municipality" or "municipalities."

2. At the first election held in such city next after the adoption of the provisions of this act as herein provided, there shall be elected in such cities, by the duly authorized voters therein, the number of persons as hereinafter provided to be commissioners of such city, each of whom shall have been a citizen and resident of such city for at least two years immediately preceding his election as such commissioner, who shall serve as such commissioner until the third Tuesday in May in the fourth year following such election and until their successors are elected and shall have duly qualified and every fourth year thereafter, at the regular municipal election in such city, there shall be elected the number of persons as hereinafter provided as commissioners with like qualifications to serve for the term of four years and until their successors have been elected and duly qualified. Should any vacancy occur among such commissioners the remaining commissioners shall, within thirty days thereafter, elect a properly qualified person to fill such vacancy to serve for the unexpired term.

The term of office of such commissioners first elected under the provisions of this act shall commence on the first Tuesday following such election, and the term of office of all succeeding commissioners shall commence on the third Tuesday of May next ensuing after their election, at twelve o'clock, noon, and, upon the organizing of the commissioners in any such city, elected under this act, the City Council or other governing body or bodies theretofore acting as governing body or bodies in such city and having any other function shall be *ipso facto* abolished, and the terms of all councilmen, civil service commissioners, and all other officers, whether elective or appointive, whose offices shall conflict with the provisions of this act, shall immediately cease and determine, providing, however, that nothing herein contained shall be construed to effect in any way, the term of office of any policeman, fireman, or other employe of any police or fire department, veteran of any war, or other official or employe now protected by any tenure of office act.

SECTION 3. Every city, having by the last preceding State or National census, one million population or above, shall be governed by a board of commissioners consisting of seven commissioners, and every city having, by the last census, one hundred thousand or over population, shall be governed by a board of commissioners consisting of five commissioners, and every city, borough or town, having, by the last preceding census, under one hundred thousand population, shall be governed by a board of commissioners consisting of three commissioners chosen as provided by this act, each of whom shall have the right to vote on all questions coming before the board of commissioners; provided, however, that the number of the commissioners in any city may be increased from three to five or decreased from five to three by an ordinance adopted by the board of commissioners in accordance with all the provisions of this act. A majority of the members of the board of commissioners

shall constitute a quorum and the affirmative vote of a majority of all the members shall be necessary to adopt any motion, resolution or ordinance, or pass any measure unless otherwise provided for in this act. Every resolution or ordinance shall be reduced to writing and read before the vote is taken thereon, and the vote upon every such motion, resolution or ordinance shall be by yeas and nays, and shall be recorded. At the first meeting, after their election, the said commissioners shall choose one of their number to preside at all meetings of the board of commissioners, and he shall be designated "Mayor," but he shall have no power to veto any measure. Every resolution or ordinance passed by the board of commissioners must be in writing and signed by a majority of all the commissioners.

SECTION 4. The board of commissioners shall have and possess all administrative, judicial and legislative powers and duties now had and possessed and exercised by the Mayor and City Council and all other executive or legislative bodies in said city, and have complete control over the affairs of the city adopting the provisions of this act. The executive, administrative and legislative powers, authority and duties in such city shall be distributed according to census requirements enumerated in Section 3 of this act as follows: The executive, administrative and legislative powers, authority and duties in such city allotted seven commissioners into seven departments; in cities allotted five commissioners, into five departments, and in cities allotted three commissioners, three departments, in order as follows:

1. Department of Public Affairs.
2. Department of Revenue and Finance.
3. Department of Public Safety.
4. Department of Public Works and Highways.
5. Department of Parks and Public Property.
6. Department of Health, Sanitation and Charities.
7. Department of Supplies.

In cities governed by a board of five commissioners:

1. Department of Public Affairs.
2. Department of Revenue, Finance and Supplies.
3. Department of Public Safety and Public Property.
4. Department of Public Works and Highways.
5. Department of Health, Sanitation and Charities.

In cities governed by a board of three commissioners:

1. Department of Public Affairs, Public Safety, Public Health and Sanitation.
2. Department of Revenue, Finance and Supplies.
3. Department of Public Works, Highways and Public Property.

**SECTION 5.** The board of commissioners shall determine the powers and duties to be performed by each department and assign such powers and duties to the appropriate departments, and they shall prescribe the powers and duties of all officers and employes and they may assign particular officers and employes to one or more departments and may require any officer or employe to perform duties in two or more departments and make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

The Mayor shall be the director of the Department of Public Affairs, and the board of commissioners shall, at the first regular meeting, after the election of its members designate by majority vote one commissioner to be director of the Department of Revenue and Finance, one to be director of the Department of Public Safety, one to be director of the Department of Public Works and Highways, one to be director of the Department of Parks and Public Property, one to be director of the Department of Health, Sanitation and Charities, one to be director of the Department of Supplies, except that upon the organization of a board of five or three commissioners, but five or three departments shall be designated as above provided, and, but five or three directors voted for, and such designation

may be changed whenever it appears that the public service would be benefited thereby.

The board of commissioners shall, at the first meeting, or as soon as may be after organization, create such subordinate boards and appoint such officers as it may deem necessary for the proper and efficient conduct of the affairs of the city. Any board created may be abated, or any officer or employe appointed by the board of commissioners may be removed from office at any time for cause, after public hearing, and such board of commissioners shall be the sole judge of the sufficiency of the cause of such removal.

The Mayor and board of commissioners shall have suitable offices and their total compensation shall be as follows: In such cities having by the last preceding State or national census, more than one million population, the Mayor's salary shall be not more than fifteen thousand dollars, annually, and that of each commissioner shall be not more than twelve thousand dollars annually; in cities having, by the last census, a population of over five hundred thousand, and not exceeding one million, the Mayor's annual salary shall not be more than twelve thousand dollars, and that of each commissioner shall not be more than ten thousand dollars; in cities having from one hundred thousand to five hundred thousand population, the Mayor's annual salary shall be not more than eight thousand dollars and that of each commissioner shall be not more than six thousand dollars; in cities, boroughs and towns having from fifty to one hundred thousand population, the Mayor's annual salary shall not be more than four thousand dollars and that of each commissioner shall not be more than twenty-five hundred dollars; in cities, boroughs and towns having twenty-five to fifty thousand population, the Mayor's annual salary shall not exceed twenty-five hundred dollars, and that of each commissioner shall not be more than two thousand dollars; in cities, boroughs and towns having a population from twelve to twenty-five thousand, the Mayor's annual

salary shall not be more than two thousand dollars and that of each commissioner shall not be more than fifteen hundred dollars; in cities, boroughs and towns having a population of from five to twelve thousand, the Mayor's annual salary shall not be more than fifteen hundred dollars and that of each commissioner shall not be more than one thousand dollars; in cities, boroughs and towns having a population of from twenty-five to fifty hundred, the Mayor's annual salary shall not be more than one thousand dollars and that of each commissioner shall not be more than seven hundred and fifty dollars; in cities, boroughs and towns having a population of one thousand to two thousand five hundred, the Mayor's annual salary shall not exceed seven hundred and fifty dollars and that of each commissioner shall not exceed more than five hundred dollars; in cities, boroughs and towns having a population from five hundred to one thousand, the Mayor's annual salary shall not be more than five hundred dollars and that of each commissioner shall be not more than two hundred and fifty dollars; in cities, boroughs and towns having a population from one hundred to five hundred, the Mayor's annual salary shall not be more than one hundred dollars and that of each commissioner not more than seventy-five dollars.

The salary and compensation of all other officers and employes of the city shall be fixed by the board of commissioners and shall be payable monthly or at shorter periods, as they shall determine; provided, however, that the compensation of the commissioners shall be fixed by an ordinance adopted by the board of commissioners immediately after the organization of the board, in accordance with all the provisions of this act. The compensation so fixed shall not be increased during the term for which such commissioners are elected.

SECTION 6. The board of commissioners shall designate the time of holding regular meetings, which shall be at least once a week, and special meetings may be called

from time to time by the mayor or by two commissioners. All meetings of the commissioners, whether regular or special, shall be open to the public, and any citizen may have access to the minutes upon application to the city clerk.

The Mayor shall be President of the board and shall preside at its meetings and supervise all departments and report to the board for its action all matters requiring the attention of the board on any department. Director of the Department of Revenue and Finance shall be Vice-President of the board, and, in case of vacancy in the office of Mayor, shall perform the duties of that office.

SECTION 7. Every ordinance or resolution appropriating money, ordering any street improvement, or sewer, or authorizing the making of any contract or granting any franchises, or the right to occupy or use the streets, highways, bridges or public places of the city for any purpose, shall be complete in the form in which it is finally passed and remain on file with the Mayor, for public inspection at least two weeks before the final passage or adoption thereof. No franchise, or right to occupy or use the streets, highways, bridges or public places in any city shall be granted, renewed or extended except by ordinance; and every ordinance shall be published in said city before being finally passed upon and must receive the approval, by vote, of one or more than a majority of all the members before being finally adopted.

SECTION 8. No officer or employe elected or appointed in any such city shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for the city, and no such officer or employe shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed, for any person, firm or corporation, operating interurban railway, street railway, gas works, water

works, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of said city. No such officers or employes shall accept or receive, directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free pass, free tickets, or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation, any other service upon terms more favorable than is granted to the public generally. And for the violation of these provisions the offender shall be punished as now provided, or may be provided hereafter by law or ordinance.

Such prohibition of free transportation shall not apply to policemen or firemen in uniform, nor shall any free service to city officials heretofore provided by any franchise or ordinance be affected by this section.

**SECTION 9.** All cities adopting the provisions of this act shall be and are hereby vested with the general powers and authority to enact and enforce by imposition of reasonable fines or by imprisonment or both, all ordinances necessary for the protection of life, health and property; to declare and prevent and summarily to abate nuisances to preserve and enforce the good government and general welfare, order and security of such city, and shall have all powers necessary for its government not in conflict with the laws applicable to all cities of this State or the provisions of the Constitution.

All ordinances or resolutions heretofore passed in any such cities, not inconsistent with the rights and powers herein granted, shall remain in full force and effect until altered or repealed by the commissioners in the manner herein provided.

**SECTION 10.** All officers and employes in any such city shall be elected or appointed with reference to their qualifications and fitness, and for the good of the public service, and without reference to their political faith or party affiliations. It shall be unlawful for any candidate for office, or any officer in any such city, directly or indirectly, to give or promise any person or persons any offices, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person or persons under the penalty of being disqualified to hold the office to which he may have been elected or appointed.

Every elective officer, in any such city, shall, within ten days after qualifying, file with the county councilman, and publish at least once in a newspaper printed and published in such city, and if no newspaper is printed or published in such city, then in a newspaper of general circulation in such city, his sworn statement of all his election and campaign expenses, and by whom such funds were contributed. Any violation of the provisions of this section shall be a misdemeanor and a ground for removal from office.

**SECTION 11.** The board of commissioners shall, each month, publish in at least one newspaper in such city, or print in pamphlet form, a detailed itemized statement of all the receipts and expenses of the city and a summary of its proceedings during the preceding month, and shall file and furnish printed copies thereof to all persons who shall apply therefor at the office of the Mayor. At the end of each year the board of commissioners shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of this examination in the manner above provided for the publication of monthly expenditures.

**SECTION 12.** If, at the beginning of the term of office of the first board of commissioners elected in such city

under the provisions of this act, the appropriations for the expenditures of the city government for the then current fiscal year have been made, the said board of commissioners shall have power, by ordinance, to revise, repeal or change such appropriations, and to make additional appropriations.

SECTION 13. The system of public instruction in any city adopting the provisions of this act shall in no way be affected by this act.

SECTION 14. In every such city there shall be held a primary election for nomination for commissioners to be elected under the provisions of this act, and the first primary election for such nominations shall be held on the fourth Saturday following the election at which the voters shall have voted to adopt the provisions of this act, and thereafter the primary election for such nomination shall be held on the second Saturday in April in the fourth succeeding year and on the second Saturday in April in the fourth year thereafter.

The election officers conducting the last general annual election shall be the officers of the primary election as well as the officers of the general municipal election, and the primary and municipal elections shall be held at the same places and conducted in the same manner, so far as possible, and the polls shall be opened and closed at the same hours as provided by the general primary and election laws.

The names of candidates for commissioners shall, at least ten days prior to the primary election, be filed with the county commissioners in the manner and form and under the conditions hereafter set forth and the petition of nominations shall consist of individual certificates equal in number to at least one-half of one per centum of the entire vote at the last preceding general election, but in no event less than twenty-five, and said petition shall read substantially as follows:

I, the undersigned, a qualified elector of the city of ..... , residing at ..... , certify that I do hereby join in a petition for the nomination of ..... , whose residence is at ..... , for the office of commissioner, to be voted for at the primary election to be held in such city on the ..... , 19.., and I further certify that I know this candidate to be a qualified elector of said city and a man of good moral character, and qualified, in my judgment, for the duties of such office, and I further certify that I have not signed more petitions or certificates of nominations than there are places to be filled in the above office.

(Signed) .....

Being duly sworn, deposes and says, that he is the person that signed the foregoing certificate; that the statements contained therein are true and correct.

(Signed) .....

Subscribed and sworn to before me .....

It shall be the duty of the county commissioners to furnish, upon application, a reasonable number of forms of individual certificates of the above character.

Each certificate must be a separate paper and must contain the name of but one signer thereto, and no more, and shall contain the name of but one candidate, and no more. Each signer must not, at the time of signing the certificate, have signed more certificates for candidates for that office than there are places to be filled in such office, and in case an elector has signed two or more conflicting certificates, all such certificates shall be rejected.

When such a petition of nomination is presented for file to the county commissioners, they shall forthwith examine the same and ascertain whether it conforms to the provisions of this section, and if not found in conformity thereto, they shall designate the defect and return the petition to the person signing it, which may again be presented when properly amended.

Immediately upon the expiration of the time of filing certificates, statements and petitions for candidates, the county commissioners shall cause to be published for three successive days in all the daily newspapers published in such city, in proper form, the names of the persons as they are to appear upon the primary ballots, and if there be no daily newspapers, then in two issues of any other newspapers that may be published in said city; and the county commissioners shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of their signature. Upon the said ballot, arranged in alphabetical order, shall appear the names of the candidates for commissioners with a square at the left of each name, and below the names of such candidates in cities of one million population or over shall appear the words "Vote for seven," and in cities of less than one million population shall appear the words "Vote for five," and in cities of less than one hundred thousand population, shall appear the words "Vote for three." The ballots shall be printed upon plain, substantial white paper, and shall be headed:

Candidate for Nomination for Commissioners of City at the primary election, but shall have no party designation indicative of the source of the candidacy or of the support of any candidate or mark whatever. Place a cross in the square preceding the names of the persons you favor as candidates for the respective positions.

Having caused said ballot to be printed, the county commissioners shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general election. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and challenges can be made by not more than two persons, to be appointed at the time of opening the polls by the judges of election; and the law applicable to challenges made at a general or municipal election shall be applicable to challenges at such primary election. Judges

of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precinct for each of the candidates, and make return thereof to the county commissioners upon proper blanks, to be furnished by the county commissioners within six hours of the closing of the polls. On the day following the said primary election the county commissioners shall canvass said returns so received from all the polling precincts, and shall immediately make and file in the office of the county commissioners the result thereof. Said canvass of the county commissioners shall be publicly made.

SECTION 15. And in every city of one million population or more, seven commissioners, and in cities of less than one million population, five commissioners, and in cities less than one hundred thousand population, three commissioners shall be elected, at an election to be held on the fourth Tuesday following the primary election, following the election at which the voters shall have voted to adopt the provisions of this act, and on the second Tuesday in April in each fourth year thereafter. The number of candidates equal to twice the number of places to be filled, receiving the highest number of votes at the primary election, shall be the candidates, and the only candidates whose names shall be placed upon the ballot at the succeeding municipal election, and the number of candidates equal to twice the number of places to be filled, receiving the highest number of votes for commissioners, or all such candidates, if less than twice the number of places to be filled shall be the candidates, and the only candidates, whose names shall be placed upon the ballot for commissioners at such municipal election, and the ballot at such municipal election shall be in the same general form as for said primary election, so far as possible, and at all elections in such city the election precincts, voting places, methods of conducting election, canvassing the votes and announcing the results, shall be the same as herein provided for the selection of

candidates at the primary election, and the number of candidates equal to the number of places to be filled receiving the highest number of votes shall be elected as commissioners as herein provided.

#### RECALL.

SECTION 16. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to affect the removal of an incumbent of an elective office shall be as follows: A petition signed by the electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per cent. of the entire vote at the last preceding general election demanding an election of a successor of the person sought to be removed, shall be filed with the county commissioners which petition shall contain a general statement of the grounds for which the removal is sought.

The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make an oath before an officer competent to administer oaths that the statement therein made is true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the county commissioner shall examine, ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of said examination. If, by the county commissioner's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate.

The county commissioner shall, within ten days after such amendment, make like examination of the amended petition, and if this certificate shall show the same to be insufficient, it shall be returned to the person filing the

same, without prejudice to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the county commissioner shall submit the same to the board of commissioners without delay.

If the petition shall be found to be sufficient the board of commissioners shall, if the officer sought to be removed shall not resign within five days after the date on the county commissioner's certificate, order and fix a date for holding the said election, not less than thirty days or more than forty days from the date on the county commissioner's certificate to the board of commissioners that a sufficient petition is filed.

The board of commissioners shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the county commissioner shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the person who receives the highest number of votes should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office. The same method of removal shall be cumulative and additional to the methods heretofore provided by law. No person who has been recalled from an elective office, or who has resigned from such office while recall proceedings were pending against him shall be appointed to any office within one year after such recall or resignation.

No recall petition shall be filed against any officer until he has actually held his office for at least twelve months, and but one recall petition shall be filed against the same officer during his term of office.

#### INITIATIVE.

SECTION 17. Any proposed ordinance may be submitted to the board of commissioners by petition signed by electors of the city equal in number to the percentage herein-after required. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for petitions under the last section.

If the petition accompanying the proposed ordinance be signed by electors equal in number to fifteen per centum of the votes cast at the last preceding general election, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the board of commissioners, such board of commissioners shall either:

(a). Pass said ordinance without alteration within twenty days after attachment of the county commissioner's certificate to the accompanying petition, or,

(b). Forthwith, after the county commissioner shall attach to the petition accompanying such ordinance, his certificate of sufficiency, the board of commissioners shall call a special election, unless a general municipal election is fixed within ninety days thereafter, and at such special or general municipal election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of the city.

But if the petition is signed by not less than ten nor more than fifteen per centum of the electors, as above defined, then the board of commissioners shall, within twenty days, pass said ordinance without change, or submit the same at the next general city election occurring not more than thirty days after the county commissioner's certificate of sufficiency is attached to said petition.

The ballots used when voting upon said ordinance shall contain these words: "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for such purpose.

The board of commissioners may submit a proposition for the repeal of any such ordinance or for amendment thereto, to be voted upon at any succeeding general city election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinances shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the county commissioner shall cause such ordinance or proposition to be published once in at least one of the newspapers published in said city; such publication to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on.

#### REFERENDUM.

SECTION 18. No ordinance passed by the board of commissioners except when otherwise required by the general laws of the State or by the provisions of this act, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of

the board of commissioners, shall go into effect before ten days from the time of its final passage; and if during said ten days, a petition signed by electors of the city equal in number to at least fifteen per centum of the entire vote cast at the last preceding general municipal election, protesting against the passage of such ordinance, be presented to the board of commissioners, the same shall thereupon be suspended from going into operation, and it shall be the duty of the board of commissioners to reconsider such ordinance; and if the same is not entirely repealed, the board of commissioners shall submit the ordinance, as is provided by sub-section B of section seventeen of this act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of said section seventeen, except as to the percentage of signers, and be examined and certified to by the county commissioner in all respects as therein provided. Any ordinance or measure that the board of commissioners or the qualified electors of the city shall have authority to enact, the board of commissioners may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is provided in this act for ordinances or measures submitted on petition. At any special election called under the provisions of this act, there shall be no bar to the submission of other questions to a vote of the electors in addition to the ordinances or measures herein provided for, if said other questions are such as may legally be submitted to such election. If the provisions of two or more measures approved at the same election conflict, then the measure receiving the highest affirmative vote shall control.

## ADOPTION REQUIREMENTS.

SECTION 19. This act shall take effect immediately, but its provision shall remain inoperative in any city of this State until assented to by a majority of the legal voters thereof voting at an election to be held in such city, which election shall be called by the county commissioner upon the request or petition in writing of twenty per centum of the legal voters voting at the last general election. Upon such petition or request in writing being filed with the county commissioner, the said county commissioner shall forthwith call an election to be held on the third Tuesday following the date of the filing of such petition with him, and shall cause public notice of the time and place of holding the same to be given by advertisement signed by himself and set up in at least twenty different places in such cities and published in at least one newspaper printed and published in such city, and if no newspaper is printed or published in such city, then in a newspaper circulated therein, for at least six days previous to the time of such election; and said county commissioner shall provide ballots for each voter at such election, to be printed upon plain, substantial white paper, which shall contain these words:

“For the adoption or the rejection of the city of (here name of city) of the provisions of an act of one thousand nine hundred and eleven, entitled, ‘An act relating to, regulating and providing for the government of cities, towns, boroughs and other municipalities within this State.’” Upon said ballots shall appear the phrase “For the adoption,” and the phrase “Against the adoption,” with a square at the left of each phrase, and below shall appear the words “Vote for or against”; “Place a cross in one square.”

Such election shall be held at the usual places of holding the annual election in such city. The polls shall remain open during the usual hours, and every such election shall be conducted by the same election officers for the time being in the manner prescribed by law regulating elections, and

such officers shall report to the county commission of such city a true and correct statement in writing under their hands of the results of such election, and it shall be the duty of the county commissioner to certify and report the same to the city council, or other legislative body, of such city or municipality, at its first meeting thereafter, and the same shall be entered at large in the minutes of said body. Whereupon, if it is found that the majority of the votes cast are in favor of the adoption of this act, this act shall in all respects become and be operative in such city, and binding upon the inhabitants thereof and upon all persons and property to be affected thereby; provided, however, that the votes cast in favor of the adoption of this act is equal to at least thirty per centum of the votes cast for members of the General Assembly at the last general election immediately preceding the submission of this act as aforesaid; and, immediately after the election and organization of the board of commissioners provided herein, it shall abrogate, repeal and annul all acts or parts of acts then existing, whether general or special, in anywise affecting the government of such cities which are contrary to or inconsistent with the provisions of this act.

If a majority of the votes cast are not in favor of the adoption of this act, then the provisions of this act shall remain inoperative and no further proceedings shall be taken until after the beginning of the last year of the term of the Mayor, or equivalent officer, elected at the election following the rejection of this act, after which date, upon the presentation of another petition or request, as provided for herein, the same procedure shall be had and the question of the adoption or rejection of the provisions of this act again submitted in the manner herein set forth, and with the same force and effect.

#### **REVERSION TO THE CHARTER.**

**SECTION 20.** Any city which shall have operated for more than six years under the provisions of this act, may

abandon such organization hereunder and may resume its charter by proceeding as follows:

Upon the petition of not less than twenty-five per centum of the electors of such city, a special election shall be called at which the following proposition shall be submitted: "Shall the city of (name of city) abandon its organization under the provisions of an act of one thousand nine hundred and eleven, entitled, 'An act relating to, regulating and providing for the government of cities within this State,' and resume or adopt a charter under another act?"

If a majority of the votes cast at such special election be in favor of such proposition, the officers elected at the next succeeding regular municipal election shall be those prescribed by the charter, and upon the qualification of such officers such city shall become a city under the charter, but such change shall not in any manner or degree effect the property, right or liability of any nature of such city, but shall merely extend to such change in its form of government.

SECTION 21. If any proviso, clause or section of this act shall be attacked in any court and shall be declared invalid or unconstitutional, the rest of this act shall stand, and the proviso, clause or section declared invalid or unconstitutional shall be excised from this act.

## PRESIDENTIAL PREFERENCE PRIMARY ACT.

### Table of Contents.

- Section 1. Date and purposes of presidential primary election.
  - (1) Expression of presidential preference.
  - (2) Election of delegates to national conventions.
- Section 2. The election on presidential preference.
  - (1) Method of securing nomination papers.
  - (2) Provision for withdrawal of name from ballot.
  - (3) Position and order of candidates' names on ballot.
- Section 3. Delegates to national party conventions.
  - (1) Notification of number to be elected.
  - (2) All delegates to be elected at large.
  - (3) Certification of number by secretary of state.
- Section 4. Manner of nominating and electing delegates.
  - (1) The securing of nomination papers.
  - (2) Conditions for nomination as a group.
    - (a) The same presidential preference.
    - (b) The representation of all districts of the state.
  - (3) Conditions for election as a group.
    - (a) Endorsement by candidate or campaign committee.
    - (b) Limitation of candidate's name to a single group.
  - (4) Statement of presidential preference.
- Section 5. Arrangement of candidates' names on ballot.
  - (1) Position under name of presidential candidate preferred.
  - (2) No preference column.
  - (3) Blank column.
  - (4) Provision for order of names.
  - (5) Voting square within which to vote for entire group.
- Section 6. Delegate's statement regarding support of party's preference.
- Section 7. The appointment of alternates to convention.
  - (1) Number to be selected and restrictions on selection.
  - (2) Duties of alternate.
- Section 8. Registration required for April primary election.
  - (1) Names on old register.
  - (2) Names added since previous election.
  - (3) Statement of party affiliation necessary.
  - (4) Qualifications for signing nomination papers.
- Section 9. Form of ballot for April primary election.
  - (1) Sections of primary laws governing ballot.
  - (2) Heading of ballot.
  - (3) Sample form of ballot.
- Section 10. Cross reference to direct primary law.
- Section 11. Short name of act.
- Section 12. Repeal of acts inconsistent with this act.

# PRESIDENTIAL PREFERENCES PRIMARY

## AN ACT

To provide for the expression by the qualified electors of the several political parties of their choice for nomination by their party for President of the United States and to provide for the election of the delegates of said political parties to their respective National conventions, and to call an election in conformity with the provisions of this act.

**SECTION 1.** *Be it enacted, etc.*, That on the second Saturday of April, 1916, and of every fourth year thereafter, there shall be held a primary nominating election to be known as the April presidential primary election, at which the qualified electors of the several political parties shall have opportunity, on separate party ballots provided for that purpose, to express their preference as to the nominees of their respective parties for president of the United States, and also to elect the delegates of their respective parties to their respective National conventions for the nomination of their party candidates for president and vice-president of the United States.

**SECTION 2.** The names of the candidates for nomination as president of the United States shall be printed upon the ballots, upon the filing of nomination papers substantially as provided in an act providing a uniform method of electing certain party officers, etc., approved 1906 and hereinafter referred to in this act as the "uniform primary act"; provided that nomination papers for each of the said candidates must be signed by not less than one per centum of the voters of his party in each congressional district of the State; and further provided, that no candidate for nomination for president need sign or file any petition,

affidavit, declaration, statement or paper of any kind to get his name upon the ballot, but that in the event that any person who is presented as a candidate for nomination for president by filing of nomination papers as herein provided for, shall, on or before the thirty-fifth day before the date of the presidential primary election, announce by an affidavit, declaration, or statement filed in the office of the secretary of the commonwealth, that he is not a candidate for nomination for president, and that he does not wish his name to be printed upon the ballot for said election, the said secretary of the commonwealth shall not certify or transmit the name of such candidate to the respective county commissioner, and such name shall not be printed upon the ballots. The names of the several candidates for nomination for president together with the blank space for writing the name of such a candidate, and the headings for the same shall appear at the top and center of the ballot immediately below the instructions to voters, and shall be printed in heavy face eight point, capital type. The order in which the names of the candidates for presidential nominees shall be printed upon the ballot, shall be the order in which the nomination papers of such candidates are filed with the secretary of the commonwealth; and such names shall be printed one after the other in a horizontal line, each name being followed by a voting square, the space for the name and voting square together being headed by the words "For Presidential Nominee," printed in heavy face ten point gothic type, and occupying no less than two and a half inches of horizontal space. This space shall be left blank above the "No Preference Column" provided for in section 5 of this act. Below the words "For Presidential Nominee" heading the blank space hereinbefore provided for, shall be the words "Blank Space" in six point gothic type. Above the words and spaces herein described shall be printed in heavy face twelve point gothic type the word "vote for One as Your Choice for Presidential Nominee."

SECTION 3. The chairman of the State Central Committee of each of the political parties qualified to participate in the election provided for in this act shall notify the secretary of the commonwealth on or before the first day of March of each bissextile or leap year as to the number of delegates to represent the State in the next National convention of his said party. If the State chairman, or any of them, fail to file such notice, it shall be the duty of the secretary of the commonwealth to ascertain the said number of delegates from the call for said National convention issued by the National Committee of each party whose chairman has failed to notify him as aforesaid. The delegates who shall represent each political party at its National convention shall all be elected by the voters of the State at large. The secretary of the commonwealth shall, on or before the tenth day of March of the year of the April presidential primary election, certify to the county commissioner of each county, or city and county, the number of delegates to be so elected by each of the political parties qualified to participate in the said election. Any political party shall be qualified to participate in the April presidential primary election which is qualified to participate in the September primary election according to the provisions of the "direct primary law."

SECTION 4. The names of persons to be voted upon as delegates to the respective National conventions of the several political parties shall be printed upon the ballots of their respective parties upon the filing of nomination papers substantially in the form provided in uniform primary act; provided, that in the case of each party, nomination papers for candidates for delegates must be signed by not less than one per centum of the voters of said party in each congressional district of the State; and provided, also, that when the number of names of candidates printed upon the same nomination paper exceeds the number of congressional districts in the State, but is less than twice the number

of such districts, the names of such candidates, thus grouped together shall be so selected that not more than three and not less than one of such candidates shall reside in any one congressional district, and that when the number of names of candidates printed upon the same nomination paper exceeds twice the number of congressional districts in the State, the names of such candidates thus grouped together shall be so selected that not more than four and not less than two of such candidates shall reside in any one congressional district; and if not so selected said names shall not be grouped together on the ballot, but shall appear as individuals.

Candidates for delegate grouped together on the same nomination paper and selected as aforesaid shall be similarly grouped, in the same order of names, upon the ballots of their party; provided, that such group of candidates for delegate has the endorsement of that candidate for presidential nominee for whom the members of said group have filed a preference, or the endorsement of such a State political organization created in support of the candidacy of said presidential nominee as shall not be repudiated by him as lacking authority to make such endorsement; said endorsement, either of the candidate or the organization supporting him, to be filed with the secretary of the commonwealth. No candidates for delegates thus endorsed shall have their names printed upon the ballot in a group, but such candidates must appear as individuals; and further provided, that the name of no candidate shall appear more than once on the ballot, and that any candidate whose nomination paper is filed in more than one group, or in the same group differently arranged, shall have his name printed on the ballot as a part of the group which has received the endorsement as herein recited; provided, that one of the groups in which his name occurs has received such endorsement.

Each candidate for election as delegate to his National party convention must file with the secretary of the commonwealth not later than the time of filing of nomination

papers containing his name, an affidavit substantially as provided in the "uniform primary act," and may also include with his affidavit the statement "I personally prefer \_\_\_\_\_ as nominee of my party for president of the United States" (filling in the blank by inserting his choice for such nominee). But his failure to include such statement shall not be a valid ground on the part of the secretary of the commonwealth for refusal to receive and file the nomination papers containing his name.

SECTION 5. The names of the candidates for delegate in any political party shall be arranged upon the ballots of such party in parallel columns each column standing directly underneath the space headed by the words, "For Presidential Nominee," and the various candidates for delegate appearing in these columns as determined by their preference for president, according to the provisions of section 4 of this act. The left-hand column shall be headed in heavy face ten point gothic type, "Candidate Preferring \_\_\_\_\_" (the blank being filled out by the surname of the first candidate for presidential nominee on the ballot, as determined by section 2 of this act). The second column shall be similarly headed, except that the surname of the candidate for presidential nominee shall be for the name second in the list of candidates for presidential nominee, and so on for as many candidates for presidential nominee as are printed at the top of the ballot in the list of such candidates. To the right of the last column headed by the surname of a candidate for presidential nominee shall be a column headed "No Preference Column," in which shall appear the names of all candidates for delegate who have expressed no preference for presidential nominee or who have expressed a preference for a candidate for presidential nominee other than the candidates for presidential nominee printed at the top of the ballot. Above this "No Preference Column," neither the words "For Presidential Nominee" nor the space for the name of such nominee shall appear. To the right of this last

column shall be a column headed "Blank Column," which shall contain as many blank spaces as there are delegates to be elected by the political party concerned. In case there are no names of candidates for delegate to be placed in a "No Preference Column," such "No Preference Column" shall be omitted from the ballot, and the "Blank Column" as herein provided for shall be placed to the right of and contiguous to the last column headed by the surname of a candidate for presidential nominee. In the event that two or more candidates for Presidential nominee whose names are printed upon the same ballot have the same surname, the distinguishing names or initials of such candidates shall be prefixed to their respective surnames on said ballot, following the words "Candidates Preferring."

The names of the various candidates for delegates shall be printed in eight point roman capital type, under their respective preferences for presidential nominee or in the no preference column, as heretofore provided in this act. The names of each group on the ballot shall be numbered in heavy face eight point type, the order of names for each column upon the ballot shall be the same as the order in which such names were filed with the secretary of the commonwealth; provided, that above the individual names in each column shall appear the group of names, if any, which has received the endorsement referred to in section 4 of this act.

A blank column one-half inch wide shall be left upon the ballot opposite each group of names and to the right of the column of voting squares for the individual names and separated from it by a light dotted line, which blank column shall contain a square in which may be stamped a cross (X) which shall be counted as a vote for each and every name in the group opposite. Lengthwise along this blank column shall be printed "A cross (X) stamped in this square shall be counted for each name of the group to the left." The line separating any name from any other name not in a group or from any group of names shall be

heavier than any line separating the individual names in such group, and shall extend across the blank column provided for in this paragraph. Below the top line of this extension shall be printed in small heavy face type the words "top of group," and above the bottom line of the extension, the words "end of group."

SECTION 6. Each candidate for election as delegate to his National party convention may include with his affidavit the statement hereinafter set forth in this section; but his failure to include such statement shall not be valid ground on the part of the secretary of the commonwealth for refusal to receive and file his nomination paper or papers. Such statement, if any be made, shall be in substantially the following form:

#### **DELEGATE'S STATEMENT.**

I hereby declare to the voters of my political party in the State of Pennsylvania that if elected as delegate to their National party convention, I shall, to the best of my judgment and ability, support that candidate for president of the United States who shall have received the highest number of votes cast throughout the entire State by the voters of my party for said office, at the April presidential primary election.

.....  
Signature of candidate for delegate.

SECTION 7. The delegates to each National party convention elected at the April presidential primary election, shall, before leaving the State to attend the convention, meet together and select alternates to the convention. The number of alternates to be selected shall be no greater than one for each delegate, and each alternate must be selected from the congressional district of the delegate for whom he is an alternate; and the method of selection shall be as determined upon by majority of the whole number of delegates who

have been elected to the convention. The duties of an alternate shall be those usually appertaining to that position, and as prescribed by each party in the call for its National convention. The alternate of any such delegate as may be unable to attend the convention, shall attend the convention in its place, and shall otherwise discharge the duties of said delegate.

SECTION 8. For purposes of the April presidential primary election, the original affidavits of registration used in the last general election in any county or city and county in this State, shall be qualified to vote at such election, and shall receive the ticket of that political party only with which he has declared himself affiliated. Any person qualified by the provisions of this section to vote at any April presidential primary election shall also be qualified to sign the nomination papers of any person to be voted upon at such primary election.

SECTION 9. The ballot to be used at the April presidential primary election shall be prepared according to the provisions of sections 2, 4 and 5 of this act, and also according to such provisions of the "uniform primary act" as are applicable to this act and not in conflict with its provisions; providing, that the words at the top of the ballot shall be "Official Presidential Primary Election Ballot," and that the instructions to voters shall be as follows: "To vote for a person whose name appears on the ballot, stamp a cross (X) in the right square of the person for whom you desire to vote; or if you wish to vote for all of a group of persons, stamp a cross (X) in the square opposite such group, which shall be counted for each name of the group. A group consists of candidates for delegate nominated on the same nomination paper. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose." There shall be printed in heavy face, twelve point, gothic type, across the

page above the column of candidates for delegates, the words, "For Delegates to National Convention Vote for \_\_\_\_\_, either as individuals or by group, but do not vote for more than \_\_\_\_\_" (the blanks being filled in by the number of delegates to be elected by the political party concerned).

SECTION 10. The provisions of the "Uniform Primary Law" shall govern the April presidential primary election in so far as said provisions are applicable to said election and are not inconsistent with or in conflict with the provisions of this act.

SECTION 11. This act shall be known as the Presidential Primary Act.

SECTION 12. All acts and parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

# STATE OF PENNSYLVANIA

---

## MINORITY REPORT

OF THE

## COMMISSION

TO

# Revise and Codify the Election Laws

(Appointed Under Joint Resolution of May 13, 1909)

MADE BY

**WILLIAM COLEMAN FREEMAN**

TO

The Senate and House of Representatives  
of the Commonwealth of Pennsyl-  
vania, in General Assembly at  
the Sessions of 1913

---

## COMMISSION

FRANK P. PRICHARD, Philadelphia, Chairman

ERNEST L. TUSTIN, Philadelphia

JOHN M. FLYNN, Ridgway

GEORGE M. DIMELING, Clearfield

WILLIAM U. HENSEL, Lancaster

WILLIAM C. FREEMAN, Cornwall

DAVID H. LANE, Philadelphia









